



भारत का राजपत्र

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इस भाग में सिमन पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग III—खण्ड 4

PART III—SECTION 4

विविध निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं
Miscellaneous Notifications including Notifications, Orders, Advertisements
and Notices issued by Statutory Bodies

स्टेट बैंक ऑफ इंडिया

केन्द्रीय कार्यालय

बम्बई, दिनांक 30 जुलाई 1975

इस के द्वारा बैंक के स्टाफ में की गई निम्नलिखित नियुक्ति की अधिसूचना दी जाती है :—

श्री बी० पंडरीनाथन् को केन्द्रीय कार्यालय के स्टाफ में दिनांक 28 जुलाई 1975 से उप-शाखा निरीक्षक के पद पर नियुक्त किया गया है।

दिनांक 1 अगस्त 1975

इसके द्वारा बैंक के स्टाफ में की गई निम्नलिखित नियुक्ति की अधिसूचना दी जाती है :—

श्री के० विक्रम को केन्द्रीय कार्यालय के स्टाफ में दिनांक 31 जुलाई 1975 से उप-शाखा निरीक्षक के पद पर नियुक्त किया गया है।

टी० आर० वरदाचारी,
प्रबन्धक निदेशक

स्थानीय प्रधान कार्यालय

नई दिल्ली-110001, दिनांक अगस्त 1975

सूचना

1. श्री जे० के० तुल, अधिकारी श्रेणी I ने श्री बी० आर० बहल, अधिकारी श्रेणी I के स्थान पर 5 दिसम्बर 1974 की कार्यसमाप्ति से कृष्णा नगर दिल्ली शाखा का पूर्ण कार्यभार सम्भाला।

2. श्री एल० के० मोहला, अधिकारी श्रेणी I ने श्री एस० एन० शर्मा अधिकारी श्रेणी I के स्थान पर 24 मार्च 1975 की कार्यसमाप्ति से शक्ति नगर दिल्ली शाखा का पूर्ण कार्यभार सम्भाला।

3. श्री आर० एन० डोंगरा, स्टाफ अधिकारी श्रेणी II ने श्री एस० सी० कपूर स्टाफ अधिकारी श्रेणी III के स्थान पर दिनांक 29 मार्च 1975 की कार्यसमाप्ति से नजफगढ़ रोड, नई दिल्ली शाखा का पूर्ण कार्यभार सम्भाला।

4. श्री वी० पी० वन्सल, अधिकारी श्रेणी I ने श्री एच० डी० कोहली, अधिकारी श्रेणी I के स्थान पर

26 अप्रैल 1975 की कार्यसमाप्ति से कलाश नगर, मंडी दिल्ली शाखा का कार्यभार सम्भाला।

5. श्री जे० पी० महाजन, अधिकारी श्रेणी I ने श्री आर० के० बघवा स्टाफ अधिकारी श्रेणी III के स्थान पर 21 जून 1975 की कार्यसमाप्ति से कमला नगर शाखा का पूर्ण कार्यभार सम्भाला।

6. श्री आर० के० अग्रवाल, अधिकारी श्रेणी I ने श्री आर० पी० भार्गव, अधिकारी श्रेणी I के स्थान पर 16 मई 1975 से जी० टी० रोड, शाहदरा शाखा का पूर्ण कार्यभार सम्भाला।

7. श्री टी० एन० गोसाईं, अधिकारी श्रेणी I ने श्री तरलोक सिंह अधिकारी श्रेणी I के स्थान पर 21 मई 1975 की कार्यसमाप्ति से अजमल खां रोड शाखा में प्रबन्धक (एस० आई० बी०) का कार्यभार सम्भाला।

8. श्री आर० एन० भार्गव, अधिकारी श्रेणी I ने श्री एम० डी० शर्मा, अधिकारी श्रेणी I के स्थान पर 28 जून 1975 की कार्यसमाप्ति से दिल्ली यूनिवर्सिटी शाखा में शाखा प्रबन्धक का पूर्ण कार्यभार सम्भाला।

9. श्री ओ० पी० उप्पल, अधिकारी श्रेणी I ने 27 जून 1975 की कार्यसमाप्ति से अजमल खां रोड शाखा में क्षेत्र अधिकारी का कार्यभार सम्भाला।

10. श्री एम० एस० मोंगिया अधिकारी श्रेणी I ने श्री जे० एन० महाजन, अधिकारी श्रेणी I के स्थान पर 5 जुलाई 1975 की कार्यसमाप्ति से दिल्ली यूनिवर्सिटी शाखा में लेखापाल का पूर्ण कार्यभार सम्भाला।

11. श्री आर० पी० भार्गव, अधिकारी श्रेणी I ने श्री आर० के० मल्होत्रा, अधिकारी श्रेणी I के स्थान पर 22 फरवरी 1975 से जी० टी० रोड शाहदरा शाखा में शाखा प्रबन्धक का अस्थाई किन्तु पूर्ण कार्यभार सम्भाला।

12. श्री आर० के० जैन, अधिकारी श्रेणी I ने श्री एस० बी० गुप्ता, अधिकारी श्रेणी I के स्थान पर 1 अक्टूबर 1974 से आजादपुर शाखा में शाखा प्रबन्धक का पूर्ण कार्यभार सम्भाला।

13. श्री बी० आर० बहल, अधिकारी श्रेणी I ने श्री एस० के० वर्मन, अधिकारी श्रेणी I के स्थान पर 20 दिसम्बर 1974 से अनाज मंडी शाहदरा शाखा में शाखा प्रबन्धक का पूर्ण कार्यभार सम्भाला।

14. श्री सी० पी० विरमानी, अधिकारी श्रेणी I ने श्री डी० आर० बजान, अधिकारी श्रेणी I के स्थान पर 8 अक्टूबर 1974 से डी० ए० ए० शादीपुर शाखा में शाखा प्रबन्धक का पूर्ण कार्यभार सम्भाला।

15. श्री के० एन० जुनेजा, अधिकारी श्रेणी I ने श्री ए० एल० जेठी अधिकारी श्रेणी I के स्थान पर 13 जून 1975 से होज काली शाखा में शाखा प्रबन्धक का पूर्ण कार्यभार सम्भाला।

16. श्री ओ० पी० मलिक, अधिकारी श्रेणी I ने श्री हरीश चन्द्र, अधिकारी श्रेणी I के स्थान पर 4 मार्च 1975 से फतेहपुरी शाखा में शाखा प्रबन्धक का अस्थाई किन्तु पूर्ण कार्यभार सम्भाला।

17. श्रीमती एम० रंगराजन, अधिकारी श्रेणी I ने श्री एम० डी० मित्रा, अधिकारी श्रेणी I के स्थान पर 16 नवम्बर 1974 से ईस्ट पटेल नगर शाखा में शाखा प्रबन्धक का कार्यभार सम्भाला।

18. श्री पी० एन० गेन्धर, अधिकारी श्रेणी I ने गान्धी नगर शाखा में शाखा प्रबन्धक का 18 दिसम्बर 1974 जिस दिन से शाखा खुली, कार्यभार सम्भाला।

ए० एस० मोंगिया,
मुख्य महा प्रबन्धक

भारतीय चार्टर प्राप्त लेखाकार संस्थान

नई दिल्ली, दिनांक 22 जुलाई 1975

सं० 8 सी० ए० (1)/7/75-76—चार्टर प्राप्त लेखाकार विनियम 1964 के विनियम 10(1) खण्ड (तीन) के अनुसरण में एतद्वारा यह सूचित किया जाता है कि निम्नलिखित सदस्यों को जारी किए प्रैक्टिस प्रमाणपत्र उनके नामों के आगे दी गई तिथियों से रद्द कर दिए गए हैं क्योंकि वे अपने प्रैक्टिस प्रमाणपत्रों को रखने के इच्छुक नहीं :—

क्रम सं०	नाम एवं पता	तिथि
1. 13547	श्री जे० के० हवालाल, ए० सी० ए०, बी कान्टा रोड, राजपुरा, सामने बालाजी मन्दिर बरोडा।	25-4-75 से 30-6-75
2. 13784	श्री पी० के० घोष, ए० सी० ए०, 55-ए०, राजा दीनीन्द्रा स्ट्रीट, कलकत्ता।	1-4-75 से 30-6-75

दिनांक 24 जुलाई 1975

सं० 5 सी० ए० (1)/9/75-76—इस संस्थान की अधिसूचना सं० 4 सी० ए० (1)/23/72-73 दिनांक 2 फरवरी 1973 (2) 4 सी० ए० (1)/14/74-75 दिनांक 16 दिसम्बर 1974 के सन्दर्भ में चार्टर प्राप्त लेखाकार विनियम 1964 के विनियम 18 के अनुसरण में एतद्वारा यह सूचित किया जाता है कि उक्त विनियमों के विनियम 17 द्वारा प्रदत्त अधिकारों को प्रयोग करते हुए भारतीय चार्टर प्राप्त

लेखाकार संस्थान परिषद् ने अपने सदस्यता रजिस्टर में निम्नलिखित सदस्यों का नाम पुनः स्थापित कर दिया है :—

क्रम सं०	सं०	नाम एवं पता	तिथि
1.	7192	श्री प्रसन्न एम० श्रीमिन, ए० सी० ए०, 7660, बरोड वि्यू रोड, 319, पारमा श्रीहियो-44134 (यू० एस० ए०)।	3-7-75
2.	12944	श्री बिनोद कुमार दरोलिया, ए० सी० ए०, 508, रविन्द्रा सरानी, कलकत्ता	21-7-75

दिनांक 4 अगस्त 1975

सं० 8 सी० ए० (1)/8/75-76—चार्टर प्राप्त लेखाकार विनियम 1964 के विनियम 10(1) खण्ड (टीन) के अनुसरण में एतद्वारा यह सूचित किया जाता है कि निम्नलिखित सदस्यों को जारी किए प्रैक्टिस प्रमाण-पत्र उनके नामों के आगे दी गई तिथियों से रद्द कर दिए गए हैं क्योंकि वे अपने प्रैक्टिस प्रमाण-पत्रों को रखने के इच्छुक नहीं :—

क्रम सं०	सं०	नाम एवं पता	तिथि
1.	3209	श्री डी० एस० व डके, ए० सी० ए०, शारदा सदन, 212, शिवाजी पार्क, बम्बई।	1-4-75 से 30-6-76
2.	16404	श्री एन० बिसवास, ए० सी० ए०, 148, लैक टाऊन, ब्लॉक ए, कलकत्ता,	1-6-1975 से 30-6-75

दिनांक 8 अगस्त 1975

सं० 8 सी० ए० (1)/9/75-76—चार्टर प्राप्त लेखाकार विनियम 1964 के विनियम 10(1) खण्ड (टीन) के अनुसरण में एतद्वारा यह सूचित किया जाता है कि निम्नलिखित सदस्यों को जारी किए प्रैक्टिस प्रमाण-पत्र उनके नामों

के आगे दी गई तिथियों से रद्द कर दिए गए हैं क्योंकि वे अपने प्रैक्टिस प्रमाण-पत्रों को रखने के इच्छुक नहीं :—

क्रम सं०	सं०	नाम एवं पता	तिथि
1.	791	श्री एम० ए० पटेल, ए० सी० ए०, बी० के० विद्याले रोड, 5, आशा निवास, नाडीयड़ (केरा), गुजरात स्टेट।	1-4-75 से 30-6-75
2.	7353	श्री आर० ए० पारखि ए० सी० ए०, कमेशवर पोल, रायपुर, अहमदाबाद।	1-4-75 से 30-6-75

पी० एस० गोपालाकृष्णन
सचिव

कर्मचारी राज्य बीमा निगम

नई दिल्ली, दिनांक 16 अगस्त 1975

सं० एन० 12(13)-1/75 (यो० व बी०)—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 97 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए कर्मचारी राज्य बीमा निगम, कर्मचारी राज्य बीमा (सामान्य) विनियम 1950 के संशोधन का निम्नलिखित मसौदा जैसा कि उक्त धारा की उप धारा (1) के अनुसार अपेक्षित है, उन सभी व्यक्तियों की सूचनार्थ प्रकाशित करती है जोकि उसके द्वारा प्रभावित होने वाले हैं और यह नोटिस दिया जाता है कि संशोधन के मसौदे पर तारीख 22 सितम्बर 1975 या इसके पश्चात् विचार किया जाएगा।

उपरोक्त संशोधन के मसौदे के विषय में किसी भी व्यक्ति से निर्दिष्ट तिथि से पूर्व प्राप्त विरोध अथवा सुझाव को उक्त निगम विचार करेगी।

कर्मचारी राज्य बीमा (सामान्य) विनियम, 1950
के संशोधन का मसौदा।

(i) विनियम 1 (2)

कर्मचारी राज्य बीमा (सामान्य) विनियम, 1950 के विनियम 1 के उप-विनियम (2) में “जम्मू तथा काश्मीर राज्य के अतिरिक्त पांडिचेरी संघ शासित क्षेत्र सहित” शब्द हटा दिए जाएंगे।

(ii) प्रपत्र 01

विनियम 10-बी० के अन्तर्गत निर्धारित वर्तमान फार्म 01 निम्नलिखित संशोधित फार्म द्वारा प्रतिस्थापित कर दिया जाएगा :—

फार्म 01

कर्मचारी पंजीकरण प्रपत्र

(विनियम 10-ख)

*नियोजक कूट संख्या
(यदि पहले नियत किया जा चुका है)

1. फैक्टरी/स्थापना का नाम
2. पूर्ण पंजीकृत पता
3. (क) दूरभाष संख्या, यदि कोई है
- (ख) तार का पता, यदि कोई है
4. फैक्टरी/स्थापना का स्थान
- (क) राज्य
- (ख) जिला
- (ग) नगर या ग्राम
- (घ) निकटतम रेलवे स्टेशन
- (ङ) मार्ग या इलाके का नाम, नगरपालिका संख्या, यदि कोई है
- (च) निकटतम डाक घर, जहां फैक्टरी/स्थापना स्थित है
- (छ) उस पुलिस स्टेशन का नाम जिसके अधिकार क्षेत्र में वह क्षेत्र हो जिसमें फैक्टरी/स्थापना स्थित है
5. कार्य/व्यापार जोकि यथार्थ में किया जाता है
6. (क) फैक्टरी अधिनियम/दुकान तथा स्थापना अधिनियम/ किसी अन्य अधिनियम (कृपया सम्बद्ध नियम का नाम दीजिए) के अन्तर्गत पंजीकरण का वर्ष
- (ख) लाइसेंस संख्या (फैक्टरी/सर्टिफिकेट संख्या) (स्थापना)
- (ग) फैक्टरी/स्थापना के चालू होने की तारीख
7. स्वामित्व का स्वरूप (जैसे कि पंजीकृत संयुक्त पूंजी कम्पनी, व्यक्तिगत स्वामित्व, साझेदारी या निजी पंजीकृत कम्पनी है)
8. प्रधान नियोजक :—
- (क) फैक्ट्री की दशा में फैक्ट्री अधिनियम के लिए तथा स्थापना की दशा में दुकान व स्थापना अधिनियम या अन्य कोई सम्बद्ध अधिनियम के लिए प्रबन्धक का नाम जिसे कि इन अधिनियमों के लिए प्रबन्धक घोषित किया गया है
- (ख) प्रबन्ध निदेशक/प्रबन्ध एजेंट/प्रबन्ध साझेदार/ मालिक या अधिष्ठाता का नाम व घर का पता

(ग) यदि यह एक पंजीकृत संयुक्त पूंजी कम्पनी है तो निदेशकों के बोर्ड के अध्यक्ष का नाम व घर का पता

(घ) यदि पंजीकृत संयुक्त पूंजी कम्पनी है तो प्रत्येक निदेशक का नाम व घर का पता (यदि साझेदारी संस्था है तो प्रत्येक साझेदार का नाम व घर का पता

9. (क) क्या फैक्ट्री/स्थापना में विद्युत शक्ति का प्रयोग होता है, यदि ऐसा है, तो कब से

(ख) फैक्ट्री की दशा में, क्या फैक्ट्री अधिनियम 1948 की धारा 2(एम) (i) या 2(एम) (ii) के अन्तर्गत लाइसेंस जारी किया गया है

10. क्या कोई कार्य/व्यापार ठेकेदारों के या अन्य समक्ष नियोक्ताओं के माध्यम से किया जाता है, यदि कोई है, तो

(क) कार्य/व्यापार का स्वरूप

(ख) वेतन पर नियुक्त व्यक्तियों की संख्या

(i) पुरुष

(ii) स्त्रियां

(iii) योग

11. यदि फैक्ट्री/स्थापना का कोई शाखा कार्यालय बिक्रय, क्रय, प्रशासन या अन्य व्यापार, मद संख्या 4 में दिए गए स्थानों के अतिरिक्त और किसी स्थान पर या भारत में कहीं भी करता है तो कृपया ऐसे एककों के नाम व पते लिखिए तथा प्रत्येक में कर्मचारियों की संख्या (यदि आवश्यक हो तो अलग से कागज नत्थी कर लें)

12. (क) वेतन पर नियुक्त कुल व्यक्तियों की संख्या (ठेकेदारों के माध्यम से या समक्ष नियोक्ताओं के माध्यम से नियुक्त व्यक्तियों सहित चाहे वे श्रमिक, लिपिक वर्गीय, या पर्यवेक्षी हों, प्रशासन से सम्बन्धित या कच्चे माल के क्रय या आबंटन या उत्पादों के बिक्रय से सम्बन्धित हों या चाहे स्थायी हों या अस्थायी) :—

(i) पुरुष

(ii) स्त्रियां

(iii) योग

(ख) फैक्ट्री की दशा में अधिकतम व्यक्तियों की संख्या जिन्हें कि फैक्ट्री में किसी भी एक दिन नियुक्त किया जा सकता है जैसा कि लाइसेंस में वर्णित है

कर्मचारियों की कुल संख्या (ठेकेदारों व समक्ष निरोजनों के माध्यम से नियुक्त कर्मचारियों सहित, चाहे वे श्रमिक, लिपिक वर्गीय, पर्यवेक्षी हों, प्रशासन से सम्बन्धित हों या फैक्ट्री स्थापना के कच्चे माल के अग्रण या आबंटन या उत्पादों के बिक्रय से सम्बन्धित हों, व चाहे वे स्थायी या अस्थायी हों) जिन में से प्रत्येक का मासिक वेतन (अधिक समय कार्य के पारिश्रमिक को छोड़कर) 1000/- ₹० या उससे कम है :—

- (i) पुरुष
- (ii) स्त्रियाँ
- (iii) योग

14. (क) गत माह कर्मचारियों को दिए गए वेतन की कुल राशि जो कि उपरोक्त प्रश्न 13 में दी गई है

(ख) कर्मचारियों की संख्या जिन्हें (क) के अन्तर्गत वेतन दिया गया था ।

15. (i) प्रथम तारीख**

जब से, जिस दिन से, फैक्ट्री/स्थापना की इमारत में वेतन पर 10/20*** या अधिक व्यक्ति काम कर रहे हैं

(ii) क्या 10/20*** या अधिक व्यक्ति वेतन पर लगातार नियुक्त हैं

(iii) उपरोक्त (i) में दी गई प्रथम तारीख से किसी भी दिन नियुक्त अधिकतम कर्मचारियों की संख्या को दर्शाते हुए एक माहवार विवरण नीचे तालिका में दिया गया है

वर्ष : जनवरी फरवरी मार्च अप्रैल मई जून जुलाई अगस्त सितम्बर अक्तूबर नवम्बर दिसम्बर

मैं घोषित करता हूँ कि ऊपर दिया गया विवरण मेरे अधिकतम ज्ञान और विश्वास के अनुरूप सही है।

दिनांक

हस्ताक्षर

स्थान

पदनाम

*केवल उसी दशा में दर्शाना है जबकि एक फैक्ट्री या स्थापना जिस पर पहले किसी भी समय अधिनियम लागू रहा हो और नियोजक कूट संख्या दी गई हो।

**यह तारीख उस फैक्ट्री/स्थापना पर क० रा० बी० अधिनियम, 1948 के उपबन्धों को लागू करने से एक वर्ष पूर्व की तारीख होनी चाहिए। किसी ऐसी फैक्ट्री/स्थापना की दशा में जिन पर अधिनियम पहले लागू हो चुका था तथा फिलहाल लागू न हो, यह तारीख वह तारीख होगी जबकि अधिनियम पहले लागू हुआ हो।

***जो लागू नहीं हो उसे काट दिया जाए। उन स्थापनाओं की दशा में जिन में विनिर्माण प्रक्रिया में विद्युत शक्ति का प्रयोग होता हो 10 या अधिक व्यक्तियों की संख्या लागू होगी। एक फैक्ट्री की दशा में जिसमें विद्युत शक्ति का प्रयोग होता हो या एक स्थापना की दशा में जो विनिर्माण प्रक्रिया में लगी हो, 20 या अधिक व्यक्तियों की संख्या लागू होगी।

टिप्पणी (1) मद संख्या 5 के उत्तर में उद्योग या व्यापार के नाम तथा उद्योग या व्यापार के भाग के रूप में यथार्थ कार्य के स्वरूप के सम्बन्ध में पूर्ण सूचना देनी चाहिए। उदाहरणार्थ, व्यापार के स्वरूप जैसे कि “वस्त्रोद्योग”, “रसायन”, “इंजीनियरी”, “दुकान”, “सड़क परिवहन” आदि के बजाय कार्य का वास्तविक स्वरूप जैसे कि “वस्त्रोद्योग—सूती कपड़े की बुनाई”, “रसायन—माचिसों का निर्माण”, “इंजीनियरी—विद्युत मोटरों का निर्माण”, “दुकान—जूते”, “सड़क परिवहन—सामान का परिवहन”, आदि आदि।

टिप्पणी (2) मद संख्या 8(क) से (घ) में दिए गए व्यक्तियों के नाम व पतों के बदलने पर निगम के क्षेत्रीय कार्यालय को तुरन्त ही पतों के बदलते ही हर दशा में सूचना दे देनी चाहिए।

टिप्पणी (3) “पावर” का अर्थ है विद्युत शक्ति या अन्य कोई शक्ति जोकि मनुष्य या पशु द्वारा बनाई जाती है और यन्त्रों द्वारा पारगमित होती है।

टिप्पणी (4) कर्मचारियों को उसके द्वारा नियुक्ति के सम्बन्ध में “समक्ष नियोक्ता” का अर्थ है एक व्यक्ति जिसने फैक्ट्री या एक स्थापना की इमारत में, जिस पर अधिनियम लागू होता है, प्रधान नियोजक या उसके एजेंट के पर्यवेक्षण में तमाम या किसी कार्य के कोई भाग को जोकि प्रधान नियोजक की फैक्ट्री या स्थापना का साधारणतया एक भाग है, निष्पादन का कार्य अपने हाथ में लिया है या जो कार्य किया जाता है उसका प्राथमिक कार्य है, या इस प्रकार की किसी फैक्ट्री या स्थापना के लिए प्रासंगिक है, तथा इसमें वह व्यक्ति भी सम्मिलित है जिसके द्वारा किसी कर्मचारी की सेवाएं, जिसने कि उसके साथ सेवा का इकरार किया है, अस्थायी तौर पर प्रधान नियोजक को उधार के रूप में या किराए के रूप में दी गई है।

टिप्पणी (5) प्रधान नियोजक का अर्थ है :—

- (i) एक फैक्ट्री में उसका स्वामी या फैक्ट्री का अधिष्ठाता। इसमें स्वाभी या अधिष्ठाता का प्रबन्ध-एजेंट और जहां एक व्यक्ति को फैक्ट्री अधिनियम, 1948 के अन्तर्गत फैक्ट्री के प्रबन्धक का नाम दिया गया है सम्मिलित है। इस प्रकार नाम दिया गया व्यक्ति;
- (ii) भारत में किसी भी सरकार के किसी भी विभाग के अधीन किसी भी स्थापना में इस सम्बन्ध में सरकार द्वारा नियुक्त व्यक्ति है या जहां इस प्रकार का कोई अधिकारी नियुक्त नहीं है वहां विभाग अध्यक्ष।
- (iii) किसी अन्य स्थापना में कोई भी व्यक्ति जोकि स्थापना के पर्यवेक्षण तथा नियंत्रण का जिम्मेदार है।

टिप्पणी (6) फैक्ट्री/स्थापना के “अधिष्ठाता” से अभिप्राय उस व्यक्ति से है जिसका कि फैक्ट्री/स्थापना के कार्य पर पूर्ण नियंत्रण हो तथा जब से कार्य प्रबन्ध-एजेंट को सौंप दिए जाएं तो वह एजेंट उस फैक्ट्री/स्थापना का अधिष्ठाता माना जाएगा।

टिप्पणी (7) “कर्मचारी” से अभिप्राय है कोई भी व्यक्ति जोकि एक फैक्ट्री या स्थापना में जिस पर अधिनियम लागू होता हो उसके कार्य के सम्बन्ध में वेतन पर नियुक्त हो तथा

- (i) जोकि प्रधान नियोजक द्वारा किसी भी कार्य पर चाहे वह प्रासंगिक हो या फैक्ट्री या स्थापना के कार्य से सम्बन्धित प्राथमिक कार्य हो, भर्ती किया गया हो, चाहे वह कार्य फैक्ट्री में या स्थापना में या कहीं और किया जाता हो; या
- (ii) जोकि एक समक्ष नियोक्ता द्वारा फैक्ट्री या स्थापना की इमारत में प्रधान नियोजक या उसके एजेंट के पर्यवेक्षण में उस कार्य पर नियुक्त हो जोकि साधारणतया उस फैक्ट्री या स्थापना के कार्य का भाग हो या जो कार्य किया जाता है उसका प्राथमिक कार्य है या फैक्ट्री या स्थापना के लिए प्रासंगिक है; या
- (iii) जिसकी सेवाएं उस व्यक्ति द्वारा जिस ने कि उसके साथ सेवा का इकरार किया है अस्थायी तौर पर प्रधान नियोजक को उधार या किराए पर दी

हो। इसमें इस प्रकार का कोई भी व्यक्ति सम्मिलित है, जोकि फैक्ट्री या स्थापना में प्रशासन के सम्बन्ध में या उसके कोई भाग, विभाग या शाखा में कच्चे माल का क्रयण या आवंटन या फैक्ट्री या स्थापना के उत्पादों के विक्रय के लिए वेतन पर नियुक्त हो, परन्तु निम्नलिखित सम्मिलित नहीं हैं :—

- (क) भारतीय नौसैनिक, मिलिट्री या वायुसेना का कोई सदस्य, या
- (ख) कोई भी इस प्रकार भर्ती किया गया व्यक्ति जिसका वेतन (अधिक समय कार्य के पारिश्रमिक को छोड़कर) एक हजार प्रति माह से अधिक न हो बशर्ते कि एक कर्मचारी जिसका वेतन अधिक समय कार्य के पारिश्रमिक को छोड़कर) किसी भी समय, अंशदान अवधि के शुरू होने के बाद (पहले नहीं) एक हजार रुपए प्रति माह से अधिक हो जाता है तो वह उस अवधि की समाप्ति तक कर्मचारी रहेगा।

टिप्पणी (8) “वेतन” से अभिप्राय उस सभी पारिश्रमिक से है, जोकि एक कर्मचारी को नकद रूप में देय है यदि नियुक्ति के इकरार की शर्तों से जो व्यक्ति होता है या अन्तर्निहित है, पूरी हो गई थी और एक कर्मचारी को किया गया कोई भी भुगतान चाहे वह किसी भी प्राधिकृत छुट्टी की अवधि, तालाबन्दी, हड़ताल जो गैर-कानूनी न हो या छटनी के कारण न हो तथा अन्य अतिरिक्त पारिश्रमिक, यदि कोई हो, जिसका भुगतान 2 महीने से अधिक के अन्तर पर न हुआ हो सम्मिलित है; परन्तु निम्नलिखित सम्मिलित नहीं हैं :—

- (क) नियोजक द्वारा पेंशन निधि या भविष्य निधि या इस अधिनियम के अन्तर्गत दिया गया कोई भी अंशदान;
- (ख) कोई भी यात्रा भत्ता या किसी यात्रा संबंधी रियायत की राशि;
- (ग) नौकरी के स्वरूप के कारण उस व्यक्ति को भुगतान की गई राशि जिस पर कि विशेष खर्च चुकाने का भार सौंपा गया है; या
- (घ) नौकरी से हटाने पर देय उपदान।

(iii) प्रपत्र-2

विनियम 13 के प्रपत्र-2 के नीचे का अर्ध भाग निम्न-लिखित द्वारा प्रतिस्थापित किया जाएगा :—

लगाए गए टिकटों/या अदा किए गए अंशदान का सारांश

वर्ग	प्रत्येक टिकट का मूल्य	टिकटों की संख्या	टिकटों का कुल मूल्य	तत्सम्बन्धी दैनिक मानक (2) × (3) हितलाभ दर (.... को समाप्त होने वाली हितलाभ अवधि)
1	2	3	4	5
	पैसे			पैसे
1.	75			100
2.	120			130

3.	150	175
4.	210	250
5.	285	350
6.	375	500
7.	525	700
8.	825	1,000
9.	1,125	1,500

प्रपत्र-3

(iv)

विनियम 14 के अन्तर्गत निर्धारित प्रपत्र-3 में रु० 500/- शब्दों तथा अंकों के स्थान पर 1,000/- रुपये शब्दों तथा अंकों को प्रतिस्थापित किया जाएगा।

फकीर चन्द,
निदेशक (योजना एवं विकास)।

STATE BANK OF INDIA

Central Office

Bombay, the 30th July 1975

The following appointment on the Bank's staff is hereby notified :

Shri V. Pandarinathan has been appointed as Deputy Branch Inspector on the Central Office Staff as from the 28th July 1975.

The 1st August 1975

The following appointment on the Bank's staff is hereby notified :

Shri K. Vikram has been appointed as Deputy Branch Inspector on the Central Office Staff as from the 31st July 1975.

T. R. VARADACHARY,
Managing Director.

New Delhi-110001, the 8th August 1975

NOTICE

No. R-VI/—

- Shri J. K. Tuli, Officer Grade-I assumed complete charge of Krishna Nagar, Delhi Branch as from the close of business on 5th December 1974 vice Shri B. R. Behl, Officer Grade-I.
- Shri L. K. Mohla, Officer Grade-I assumed complete charge of Shakti Nagar, Delhi Branch as from the close of business on 24th March 1975, vice Shri S. N. Sharma, Officer Grade-I.
- Shri R. N. Dhingra, Staff Officer 2nd Grade, assumed complete charge of Najafgarh Road, New Delhi Branch as from the close of business on 29th March 1975, vice Shri S. C. Kapoor, Staff Officer 3rd Grade.
- Shri V. P. Bansal, Officer Grade-I assumed complete charge of Clock Tower, Subzi Mandi, Delhi Branch as from the close of business on 26th April 1975, vice Shri H. D. Kohli, Officer Grade-I.

- Shri J. P. Mahajan, Officer Grade-I assumed complete charge of Kamla Nagar Branch as from the close of business on 21st June 1975 vice Shri R. K. Wadhwa, Staff Officer 3rd Grade.
- Shri R. K. Agarwal, Officer Grade-I assumed complete charge of G. T. Road, Shahdara Branch vice Shri R. P. Bhargava, Officer Grade-I as from the 16th May 1975.
- Shri T. N. Gosain, Officer Grade-I assumed charge of Manager (SIB) Ajmal Khan Road Branch as from the close of business on 21st May 1975, vice Shri Tarlok Singh, Officer Grade-I.
- Shri R. N. Bhargava, Officer Grade-I assumed charge of Branch Manager's duties at Delhi University Branch as from the close of business on 28th June 1975 vice Shri M. D. Sharma, Officer Grade-I.
- Shri O. P. Uppal, Officer Grade-I assumed charge of Field Officer's duties at Ajmal Khan Road Branch as at the close of business on 27th June 1975.
- Shri M. S. Mongia, Officer Grade-I assumed complete charge of Accountant's duties at Delhi University Branch as at the close of business on 5th July 1975 vice Shri J. N. Mahajan, Officer Grade-I.
- Shri R. P. Bhargava, Officer Grade-I assumed temporary but complete charge of Branch Manager's duties at G. T. Road, Shahdara Branch as from 22nd February 1975, vice Shri R. K. Malhotra, Officer Grade-I.
- Shri B. R. Behl, Officer Grade-I assumed complete charge of Branch Manager's duties at Anaj Mandi, Shahdara Branch as from the 20th December 1974 vice Shri S. K. Barman, Officer Grade-I.
- Shri R. K. Jain, Officer Grade-I assumed complete charge of Branch Manager's duties at Azadpur Branch as from 1st October 1974 vice Shri S. B. Gupta, Officer Grade-I.
- Shri C. P. Birmahia, Officer Grade-I assumed complete charge of Branch Manager's duties at D.M.S. Shadipur Branch as from the 8th October 1974 vice Shri D. R. Bajaj, Officer Grade-I.

15. Shri K. N. Juneja, Officer Grade-I assumed complete charge of Branch Manager's duties at Hauz Qazi Branch as from the 13th June 1975 vice Shri S. L. Jethi, Officer Grade-I.

16. Shri O. P. Malik, Officer Grade-I assumed temporary but complete charge of Branch Manager's duties at Fatchpuri Branch as from the 4th March 1975 vice Shri Harish Chander, Officer Grade-I.

17. Mrs. M. Rangarajan, Officer Grade-I assumed complete charge of Branch Manager's duties at East Patel Nagar Branch as from the 16th November 1974 vice Shri M.D. Mitra, Officer Grade-I.

18. Shri P. N. Gaindhar, Officer Grade-I assumed charge of Branch Manager's duties at Gandhi Nagar Branch as from the opening of 18th December 1974.

A. S. MONGIA,
Chief General Manager.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

New Delhi-1 the 22nd July, 1975

No. 8CA(1)/7/75-76—In pursuance of Clause (iii) of Regulation 10(1) of the Chartered Accountants Regulations, 1964, it is hereby notified that the Certificate of Practice issued to the following members shall stand cancelled for the period mentioned against their names, as they do not desire to hold their Certificate of Practice.

S. No.	Mem-ber ship No.	Name and Address	Period during which the Certificate shall stand cancelled.
1.	13547	Shri J. K. Roowala, A. C. A., Ghee Kanta Road, Raopura, Opp: Balaji Mandir, Baroda.	25-4-1975 to 30-6-1975
2.	13784	Shri P. K. Ghosh, A. C. A., 55-A, Raja Dinendra Street, Calcutta.	1-4-1975 to 30-6-75

The 4th August, 1975

No. 8CA(1)/8/75-76—In pursuance of Clause (iii) of Regulation 10(1) of the Chartered Accountants Regulations, 1964, it is hereby notified that the Certificate of Practice issued to the following members shall stand cancelled for the period mentioned against their names, as they do not desire to hold their Certificate of Practice.

S. No.	Mem-ber ship No.	Name and Address	Period during which the Certificate shall stand cancelled.
1.	3209	Shri D. S. Wadke, A. C. A., Sharda Sadan, 212, Shivaji Park, Bombay-16	1-4-1975 to 30-6-1976
2.	16404	Shri N. Biswas, A. C. A., 148, Lake Town, Block 'A' Calcutta.	1-6-1975 to 30-6-1975

The 8th August, 1975

No. 8CA(1)/9/75-76—In pursuance of Clause (iii) of Regulation 10(1) of the Chartered Accountants Regulations, 1964, it is hereby notified that the Certificate of Practice issued to the following members shall stand cancelled for the period mentioned against their names, as they do not desire to hold their Certificate of Practice.

S. No.	Mem-ber ship No.	Name and Address.	Period during which the Certificate shall stand cancelled.
1.	791	Shri M. A. Patel, A. C. A., V. K. Vidyalai Road, No: 5, Asha Nivas, Nadiad, (Dist. Kaira) (Gujrat State)	1-4-1975 to 30-6-1975
2.	7353	Shri R. A. Parikh, A. C. A., Kameshwar's Pole, Raipur, Ahmedabad-1.	1-4-1975 to 30-6-1975

The 12th August, 1975

No. 5-CA(1)/9/75-76—With reference to this Institute's Notification No. (1)-4-CA(1)/23/72-73 dated 2nd February 1973 (2) 4-CA(1)/14/74-75 dated 16-12-1974, it is hereby notified in pursuance of Regulation 18 of the Chartered Accountants Regulations, 1964, that in exercise of the powers conferred by Regulation 17 of the said Regulations, the Council of the Institute of Chartered Accountants of India has restored to the Register of Members, with effect from the dates mentioned against their names the names of the following gentlemen :—

S. No.	Mem-ber ship No.	Name and Address	Date of Restoration
1.	7192	Shri Prasant M. Amin, A. C. A. 7660, Broad View Road 319 Parma-Ohio-44134 (U. S. A.)	3-7-1975
2.	12944	Shri Binod Kumar Drolia, A.C.A. 508, Rabindra Sarani, Calcutta-5.	21-7-1975

P. S. GOPALAKRISHNAN
Secy.

SALAR JUNG MUSEUM BOARD

Designation of the post	Classification	Scale of pay	Whether selection or non-selection	Age limit	Educational & other qualifications required for direct recruits.	Whether educational qualifications prescribed for direct recruits will apply in case of promotion	Method of recruitment whether direct recruitment or transfer or promotion and % of the vacancies to be filled up by various methods.	In case of recruitment by promotion/transfer grade from which promotion to be made	Remarks
1	2	3	4	5	6	7	8	9	10
Deputy Keeper (Edn.)	Class I (Jr.) Non-Ministerial.	700—40— 900—EB— 40—1100— 50—1300	Selection	Below 40 Yrs. Relaxable for departmental candidates.	<i>Essential:</i> (a) A 2nd class Master's or equivalent Hons. degree of a recognised University in History or Persian or Arabic or Fine Arts (Drawing and painting subjects). b) Diploma in Museology and three years experience in a museum of standing or a comparable institution; OR Five years experience in a museum of standing or in a comparable institution c) experience in teaching/interpreting exhibits/planning and organization of educational work in museum or museums. d) Research experience with evidence of published research papers on museums or other educational topics or subjects. <i>Desirable:</i> Ability to speak fluently and flawlessly English and Urdu/Telugu or Hindi.	—	100% by direct recruitment	—	Qualifications relaxable by Board on the recommendation of the Selection Committee in case of candidates otherwise well qualified.
Picture Restorer	Class I (Jr.)	700—40— 900—EB— 40—1100— 50—1300	Selection	Below 45 years	<i>Essential:</i> a) Degree in Science with Chemistry as one of the subjects or degree or equivalent diploma in Fine Arts from a recognised institution. b) Approved experience of two years in picture restoration work.	—	Direct recruitment.	—	Do.
Sr. Guide Lecturer	Class II (Non-Ministerial)	550—25— 750—EB— 30—900	Selection	Below 45 years	<i>Essential:</i> (a) A 2nd class Master's or equivalent Hons degree in History or in Persian or in Arabic or in fine Arts; b) Ability to speak well in Indian and European art including minor arts in English or/and in Urdu and/or in Telugu or/and in Hindi. c) Experience as a Guide Lecturer, Gallery Asst. or as a Junior Technical Assistant for atleast three years. <i>Desirable:</i> Diploma or training in Museology or experience in museum work of atleast 5 years; b) Knowledge of one or more Indian languages in addition to Telugu or Urdu.	—	100% by promotion. If a suitable candidate is not available the post will be filled up by direct recruitment.	Gallery Asstt./ Guide/ Lecturer and Jr. Tech. Asstt. in the grade Rs. 425—700.	Do.

1	2	3	4	5	6	7	8	9	10
					c) Experience of educational work of taking part in debates in school or in college; d) Knowledge and ability to understand any European language besides English.				
Research scholar	Cl. II non-ministerial.	550—25—750—EB—30—900	Selection	Below 45 years	<i>Essential</i> : a) Atleast a 2nd class M.A. in Persian or in Arabic or in both. b) Must have done original research on any subject after having evaluated sources in the original in Persian or in Arabic language or in both the languages and published papers of merit, bearing one or both the languages; <i>Desirable</i> : a) Good knowledge of Urdu besides English;	Yes	By promotion failing which direct recruitment.	Research Asst. Publication Asst. Gallery Asst. Jr. Tech. Asst. and Guide Lecturer in the scale of Rs. 425—700.	Do.
					b) Experience of interpretational work in any institution engaged in research or in the editing of manuscripts (Urdu and Persian or/and Arabic) c) Ability to read different types of Persian and Arabic scripts.				
Sr. Tech. Asst. (Chem.)	Cl. II Non-Ministerial.	550—25—750—EB—30—900	Selection	35 years	<i>Essential</i> : 1. M.Sc. in Chemistry or a B.Sc. with atleast 5 years experience in chemical conservation work; 2. Thorough knowledge of cleaning and preservative agents in respect of inorganic material. <i>Desirable</i> : Experience in analysis work pertaining to the art objects including those on paper;	Yes	By promotion.	Jr. Chemical Assistant	Do.
Research Asst.	Cl. III Non-Ministerial	425—15—500—EB—15—560—20—700	Selection	35 years Relaxable for departmental candidates	a) M.A. in Urdu or in Persian or/and in Arabic or any equivalent qualifications; b) Must have worked in any institution dealing with the study and interpretation of manuscripts attempted in Persian and/or Arabic languages Or Must be able to read and interpret Persian or/and Arabic manuscripts and also to interpret them in both Urdu and English languages; <i>Desirable</i> : Good knowledge of different types of scripts used in Persian or/and Arabic manuscripts	—	Direct recruitment.	—	Do.
Publication Asst.	Cl. III Non-Ministerial	425—15—500—EB—15—560—20—700	Selection	Below 35 years Relaxable for departmental candidates	<i>Essential</i> : a) M.A. in History or in Persian or in Arabic or in Fine Arts; b) Must have contributed articles in Urdu or/and Telugu or/and Hindi and in English to some journals of art or/and literature; c) Knowledge of the techniques of printing;	—	Direct recruitment.	—	Do.

1	2	3	4	5	6	7	8	9	10
					<i>Desirable</i> : Experience of publication, editing or printing work in any institutions;				
Jr. Modeller	Cl. III	150—5— 175—6— 205—EB— 7—240 (under revision)	Selection	Below 35 years. Relaxable for departmental candidates.	<i>Essential</i> : a) High School or its equivalent examination passed; b) Diploma in modelling sculptures from a recognised Govt. institution; <i>Desirable</i> : 3 years experience of moulding, casing & modelling work;	—	Direct recruitment.	—	Do.
Carpenter	Cl. III	260—6— 326—EB— 8—350.	Selection	Below 35 years.	VIII class Pass. Persons having certificate of carpentry issued by a recognised institute will be preferred.	—	By direct recruitment	—	Age and qualifications relaxable on the recommendations of the Selection Committee.
Dark Room Attendant.	Cl. III Non-Ministerial.	260—6— 290—EB— 6—326— 8—366— EB—8— 390—10— 400.	Selection.	Below 45 years.	<i>Essential</i> : i) High School or equivalent examination passed; ii) Two years experience of any photographic studio in any Govt. institution or in any well established private concern.	Yes but these may be relaxed in favour of an employee having long years of practical experience in the field.	By promotion	Attender (Printing)	—
Attender (Printing)	Cl. IV Ministerial	200—3— 206—11— 234—EB— 4—250.	Non-Selection	Below 35 years.	i) Read upto VIII standard; ii) One year's experience in dark room work of printing in a photographic studio.	Do.	By promotion failing which direct recruitment.	Attender (Photo)	Age and qualifications relaxable on the recommendations of the Selection Committee.

Sd. ILLEGIBLE
Chairman
Salar Jung Museum Board

LIFE INSURANCE CORPORATION CORRIGENDUM

Bombay, the 14th August 1975

Please read the following amendment in the notification of Life Insurance Corporation of India, Bombay printed on page 1267 in the Gazette of India Part III Sec. IV dated 31-5-1975 :—

"In the amendment marked (ii) Class II, the figure Rs. 300/- occurring in the second line under (b) should read as Rs. 350/-".

EMPLOYEES' STATE INSURANCE CORPORATION

New Delhi, the 16th August 1975

No. 6(1)/74-Estt.III.—In pursuance of Section 25 of the Employees' State Insurance Act, 1948 (34 of 1948) read with Regulation 10 of the Employees' State Insurance (General) Regulations, 1950 and in supersession of E.S.I. Corporation Notification No. 6(1)/71-Estt.III dated 14-1-1972, the Chairman, Employees' State Insurance Corporation, hereby re-constitutes the Regional Board

for Rajasthan which shall consist of the following members namely :—

1. Labour Minister,
Government of Rajasthan,
Jaipur.
—Chairman, nominated by the Chairman, Employees' State Insurance Corporation.
2. State Minister for Labour & Health,
Government of Rajasthan,
Jaipur.
—Vice-Chairman, nominated by the Chairman, E.S.I. Corporation.
3. The Secretary to the
Government of Rajasthan,
Labour Department,
Jaipur.
—Representative nominated by the State Government.
4. Deputy Director,
E.S.I. Scheme,
Government of Rajasthan,
Jaipur.
—Officer directly incharge of the E.S.I. Scheme in the State of Rajasthan—Ex-officio.

5. Shri V. N. Soral,
Manager, Podar Spinning Mills,
Podarpuri, Jaipur-302006.
—Representative of the Employers nominated by
the Chairman, E.S.I. Corporation.
6. Shri Gopal Singh,
Development Officer,
Maharaja Shree Umaid Mills Ltd.,
Pali-Marwar (Rajasthan).
—Additional representative of the Employers
nominated by the Chairman, E.S.I. Corporation.
7. Dr. G. R. Toshniwal,
M/s. Toshniwal Industries Pvt. Ltd.,
Kachery Road,
Ajmer (Rajasthan).
—Additional representative of the Employers
nominated by the Chairman, E.S.I. Corporation.
8. Shri Damodar Morya,
General Secretary,
Prantiya Vidhyut Mandal,
Mazdoor Federation,
Jaipur.
—Representative of the Employees nominated
by the Chairman, E.S.I. Corporation.
9. Shri I. M. Bapna,
C/o Hind Mazdoor Panchayat,
Samta Sadan,
S.M.S. Highway (Chaura Rasta),
Jaipur-3.
—Additional representative of the Employees
nominated by the Chairman, E.S.I. Corporation.
10. Shri Hiren Mukherji,
C/o Rajasthan Trade Union Congress,
Danta House, Outside Chandpole Gate,
Jaipur.
—Additional representative of the Employees
nominated by the Chairman, E.S.I. Corporation.
11. Shri N. K. Joshi,
Labour Commissioner-cum-Additional Secretary
to the Government of Rajasthan,
Labour Department,
Jaipur.
—Member of the E.S.I. Corporation residing in
the State—*ex-officio*.
12. The Regional Director,
E.S.I. Corporation,
Jaipur.
—Member-Secretary.

T. N. LAKSHMI NARAYANAN,
Director General.

New Delhi, the 11th August 1975

CORRIGENDUM

No. N. 17/11/75-P&D(16).—In this Corporation's Notification No. N. 17/11/75-P&D(16) dated 21st July, 1975, published in Part III Section 4 of the Government of India Gazette dated 2nd August, 1975, in the area indicated against Serial No. 1 FOR the words "The Revenue of Pangappara" READ the words "The Revenue Village of Pangappara".

The 16th August 1975

No. N-12(13)-1/75(P&D).—The following draft of amendments to the ESI (General) Regulations 1950, which the Employees' State Insurance Corporation proposes to make in exercise of the powers conferred by Section 97 of the ESI Act 1948 (34 of 1948) is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft amendments will be taken into consideration on or after 22nd September, 1975.

Any objections or suggestion which may be received from any person with respect to the said draft amendments before the date specified, will be considered by the said Corporation.

DRAFT AMENDMENTS TO THE ESI (GENERAL) REGULATIONS, 1950.

(I) Regulation 1(2) :

In sub-Regulation (2) of Regulation 1 of the E S I (General) Regulations, 1950, the words "including the Union Territory of Pondicherry except the State of Jammu and Kashmir" shall be deleted.

(II) FORM 01 :

The existing Form 01 prescribed under Regulation 10-B shall be substituted by the following revised form :

FORM 01

EMPLOYER'S REGISTRATION FORM

(Regulation 10-B)

*Employer's Code No.....
(if allotted previously)

1. Name of the Factory/Establishment.....
2. Full Registered address.....
3. (a) Telephone No., if any.....
(b) Telegraphic Address, if any.....
4. Location of Factory/Establishment
 - (a) State.....
 - (b) District.....
 - (c) Town or Village.....
 - (d) Nearest Rly. Station.....
 - (e) Name of Road or Locality, Municipal No., if any.....
 - (f) Nearest Post Office, where Factory/Establishment is situated.....
 - (g) Police Station having jurisdiction in area where the Factory/Establishment is situated.....
5. Exact nature of work/business carried on.....
6. (a) Year of Registration of the factory under the Factories Act/Establishment under Shops and Establishment Act or under any other Act (please give name of relevant Act).....
(b) Licence No. (Factory)/Certificate No. (Establishment).....
(c) The date of starting of the Factory/Establishment.....

7. Nature of proprietorship (whether Registered Joint Stock Company, Individual Ownership, partnership or private registered company).....

8. Principal employer :

(a) Name of the Manager declared as such for the purposes of the Factories Act in case of a factory and for the purposes of the Shops and Establishment Act or any other relevant Act, in case of establishment.....

(b) Name & residential address of Managing Director/Managing Agent/Managing Partner/Owner or Occupier

(c) If it is a Registered Joint Stock Company, name and address of the Chairman of the Board of Directors.....

(d) Name and residential address of each of the Directors, if Registered Joint Stock Company (if a partnership concern, name and addresses of each of the partners)

9. (a) Whether power is used in the Factory/Establishment, if so, since when.....

(b) In case of Factory whether licence issued under Section 2(m)(i) or 2(m)(ii) of the Factories Act, 1948.....

10. Is any work/business carried on through contractors or other immediate employers, if any.....

(a) If so, nature of work/business.....

(b) No. of persons so employed for wages :—

(i) Males..... (ii) Females.....

(iii) Total.....

11. If any Branch Office of the Factory/Establishment is functioning for sale, purchase, administration and other business at places other than the place mentioned at Item 4, or anywhere in India, please furnish name(s) and address(es) of such unit(s) and number of employees in each (please attach a separate sheet, if necessary).....

12. (a) Total number of persons employed for wages (including those employed through contractors of immediate employers, whether manual, clerical, supervisory, those connected with administration or purchase of raw materials or distribution or sale of products whether permanent or temporary)

(i) Males..... (ii) Females.....

(iii) Total

(b) In case of factory the maximum number of persons that can be employed on any one day in the factory as stated in the licence.....

13. Total number of employees (including those through contractors or immediate employers whether manual, clerical, supervisory, connected with administration or purchase of raw materials

or distribution or sale of products of the Factory/Establishment whether permanent or temporary each of whose wages (excluding remuneration for overtime work) are Rs. 1,000/- per mensem or less :—

(i) Males..... (ii) Females.....

(iii) Total.....

14. (a) Total amount of wages paid in the preceding month to the employees as given in query No. 13 above.....

(b) The number of employees to whom wages in (a) were paid.....

15. (i) The first date since **..... on which 10/20 *** persons or more were employed for wages in factory/establishment premises

(ii) Whether 10/20 *** or more persons have been employed for wages continuously.....

(iii) A month-wise statement of maximum number of persons employed for wages on any day since the first date mentioned in (i) above, is furnished in the table given below :—

Year	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.

I hereby declare that the statement given above is correct to the best of my knowledge and belief.

Date..... Signature.....

Place..... Designation.....

* To be indicated in case of a factory or an establishment to which the Act applied at any time previously and to whom an employer's code No. was allotted.

** This date should be the date one year prior to the date of enforcement of the provisions of the ESI Act, 1948 to the factory/establishment. In case of a factory/establishment to which the Act previously applied but has ceased to apply for the time being this date will be the date when the Act last applied.

*** Score out whichever is not applicable. In case of an establishment using power in the manufacturing process the number applicable is 10 persons or more. In case of a factory using power or an establishment engaged in manufacturing process without using power or any other establishment, the number applicable is 20 or more persons.

Note (1) In answer to item 5, complete information should be given with regard to the nomenclature of industry or business and the exact nature of work carried on as part of that industry or business. For example, instead of giving the nature of business, "textiles", "chemicals", "engineering", "shop", "road transport" etc., the exact nature of work should be stated, such as "textiles—cotton knitting", "chemicals—manufacture of matches", "engineering—Manufacture of electric motors", "shop—shoes", "road motor transport—transport of goods", etc. etc.

Note (2) Changes in the names and addresses of persons mentioned in items 8(a) to (d) should invariably be intimated promptly to the Regional Office of the Corporation as soon as these changes take place.

Note (3) "Power" means electrical energy or any other form of energy which is mechanically transmitted and is generated by human or animal agency.

Note (4) "Immediate Employer" in relation to employees employed by or through him, means a person who has undertaken the execution on the premises on the factory or an establishment to which this Act applies or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the factory or establishment of the principal employer or preliminary to the work carried on in, or incidental to the purpose of any such factory or establishment, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer.

Note (5) "Principal Employer" means :

(i) In a factory, the owner or occupier of the factory and includes the managing agent of such owner or occupier, the legal representative of a deceased owner or occupier, and where a person has been named as the manager of the factory under the Factories Act, 1948, the person so named;

(ii) In any establishment under the control of any department of any Govt. in India, the authority appointed by Govt. in this behalf or where no authority is so appointed, the head of the Department.

(iii) In any other establishment, any person responsible for the supervision and control of the establishment.

Note (6) "Occupier" of a factory/establishment means the person who has ultimate control over the affairs of the factory/establishment and when the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory/establishment.

Note (7) "Employee" means any person employed for wages in or in connection with the work of a factory or establishment to which this Act applies and

(i) Who is directly employed by the principal employer on any work of or incidental or preliminary to or connected with the work of the factory or establishment whether such work is done by the employee in the factory or establishment or elsewhere; or

(ii) who is employed by or through an immediate employer on the premises of the factory or establishment under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the factory or establishment or which is preliminary to the work carried on in or incidental to the purpose of the factory or establishment; or

(iii) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service and includes any person employed for wages on any work connected with the administration of the factory or establishment or any part, department or branch thereof with the purchase of raw materials for or the distribution or sale of the products of the factory or establishment; but does not include :—

(a) any member of the Indian Naval, Military or Air Force, or

(b) any person so employed whose wages (excluding remuneration for over-time work) exceeds one thousand rupees a month.

Provided that an employee whose wages (excluding remuneration for over-time work) exceeds one thousand rupees a month at any time after (and not before) the beginning of the contribution period shall continue to be an employee until the end of that period.

Note (8) "Wages" means all remuneration paid or payable in cash to an employee in the terms of the contract of employment, express or implied were fulfilled and includes any payment to an employee in respect of any period of authorised leave, lockout, strike which is not illegal or layoff and other additional remuneration, if any, paid at intervals not exceeding two months, but does not include :

- any contribution paid by the employer to any pension fund or provident fund or under this Act;
- any travelling allowance or the value of any travelling concession;
- any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or
- any gratuity payable on discharge.

(III) FORM 2 :

The lower half of Form 2 of Regulation 13 shall be substituted by the following :—

Summary of Stamps affixed/or contribution paid

Group	Value of each Stamp	No. of Stamps	Total value of Stamps (2) × (3)	Corresponding daily Standard Benefit Rate (Benefit period ending)
1	2	3	4	5
	Paise			Paise
1	75			100
2	120			130
3	150			175
4	210			250
5	285			350
6	375			500
7	525			700
8	825			1,000
9	1,125			1,500

(IV) FORM 3 :

In Form 3 prescribed under Regulation 14, for the words and figures "Rs. 500/-", the words and figures "Rs. 1,000/-" shall be substituted.

FAQIR CHAND,
Director (Plg. & Dev.)

THE BAR COUNCIL OF INDIA

Resolution No. 49/1975 dated 27th April, 1975

RESOLVED that the Rules set out hereunder be and are hereby approved as the Rules of the Bar Council of India in supersession of the existing rules which shall stand repealed from the date of their publication in the Gazette of India.

THE BAR COUNCIL OF INDIA RULES, 1975

Rules made by the Bar Council of India in exercise of its rule-making powers under the Advocates Act, 1961

PART I
DEFINITIONS

Definitions: In these rules unless the context otherwise requires:—

- (a) 'Act' means the Advocate Act, 1961, as amended from time to time;
- (b) 'Advocate' means an advocate entered in any roll, under the provisions of the Act;
- (c) 'Casual Vacancy' means a vacancy caused otherwise than by the expiry of the term;
- (d) 'Chairman' means the Chairman of the Bar Council of India;
- (e) 'Clear days' means that time is to be reckoned exclusive of both the first and the last days.
*Illustration:—*The election of members to a State Council is fixed for the 15th January, 1965. Under the rules of the State Council, ballot papers have to be despatched 10 clear days before the date of election. Consequently the last date for the despatch of ballot papers will be 4th January, 1965.
- (f) 'Council' means the Bar Council of India;
- (g) 'Prescribed' means prescribed by the rules;
- (h) 'Rules' means the Rules made by the Council;
- (i) 'Secretary' means the Secretary of the Bar Council of India, and includes any person howsoever designated and entrusted for the time being with the duties of the Secretary;
- (j) 'State Council' means a Bar Council constituted under Section 3 of the Act;
- (k) 'Vice-Chairman' means the Vice-Chairman of the Bar Council of India.

PART II

MATTERS RELATING TO THE BAR COUNCIL OF INDIA

CHAPTER I

[Rules under Section 15(2), (c), (d), (f) and (g) read with Section 4 & 10B of the Act]

A. Election of The Members of the Council

1. No person shall be eligible for being elected as a member of the Council under Section 4(1)(c) of the Act, unless he is a person who has been an advocate on a State Roll for at least ten years, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Council's Act, 1926.

2. (1) The notice and Agenda for the first meeting of the State Council held after the election of its members on the expiry of the term of its members elected at the previous election under Section 8 of the Act may include the election of a member of the State Council to the Council under Section 4(1)(c) of the Act.

(2) Every such election shall be held not later than 30 days after the first meeting of the State Council after election under Section 8 of the Act.

3. The election of a member of the Council shall be conducted by the Secretary of the State Council who shall act as the Returning Officer.

4. A person elected as a member of the Council under Section 4(1)(c) of the Act, shall cease to be such member:

- (a) from the date when he ceases to be a member of the State Council as mentioned in Section 4(3)(ii) of the Act,
- (b) on the acceptance by the Council of his resignation.

5. (1) In the case of a vacancy in the office of the member of the Council arising for any reason mentioned in Rule 4(a) of this Chapter or on account of death, intimation of the vacancy shall be given by the Secretary of the State Council to the Secretary of the Council forthwith, and

(2) The election to fill the vacancy under Rule 4(a) or (b) shall be held within 30 days from the date of the vacancy.

6. (a) If the State Council does not take steps in time for the holding of the election as referred to in these Rules, and

- (b) in the case of a vacancy of the member of the Council arising under Section 10B of the Act, the Secretary of the Council shall call upon the concerned State Council requiring it to elect its member to the Council within 30 days of such notice.

7. Every notice by the Secretary of the State Council fixing a date for the election of a member to the Council under these rules shall be sent not less than 15 clear days before the date fixed for the election. A copy of the said notice shall be sent simultaneously to the Secretary of the Council.

8. (1) The name of each candidate for the election shall be proposed by one member and seconded by another member of the State Council at the meeting. No member shall propose or second more than one name.

(2) If only one candidate has been duly nominated, the Returning Officer shall declare him elected.

(3) Any nominated candidate can withdraw before the voting takes place.

(4) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot. The Returning Officer shall provide voting papers with the names of the candidates typed. Each voting paper shall bear the signature of the Returning Officer.

(5) A voter in giving his vote shall place in his voting paper the mark 'X' against the name of the candidate of his choice.

The voting paper shall not be signed by the voter, and in the event of any erasures, obliterations or alterations in the voting papers, or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced and the vote purporting to have been given thereby shall not be taken into account for the purposes of the election. Subject to the provisions of Rule 10, the decision of the Returning Officer whether the voting paper has or has not been defaced shall be final.

A voting paper shall be invalid on which—

- (a) the mark 'X' is not made, or
- (b) the mark 'X' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply, or
- (c) the mark 'X' and any other mark or figures are set opposite the name of the same candidate, or
- (d) there is any mark in writing by which the voter can be identified.

(6) The Returning Officer shall count the valid votes immediately after the close of voting in the presence of the candidates or their nominees who may choose to be present.

(7) The candidate securing the largest number of votes shall be declared elected by the Returning Officer.

In the case of two or more candidates securing an equal number of votes, the Returning Officer shall decide the election by drawing lots.

(8) Immediately after the declaration of the result, the Returning Officer shall put the ballot papers used for voting in the election in a separate cover have the cover closed and sealed with his signature and that of all the contesting candidates if they desire to do so.

(9) The result of the election shall be communicated forthwith to the Secretary of the Council, and sent to the State Gazette or Gazettes concerned for publication.

9. (1) In case of a dispute arising out of the election, any of the contesting candidates, or any other member of the State Council, may challenge the election by a petition which shall be filed with, or despatched by registered post to the Secretary of the Council within 10 clear days of declaration by the Returning Officer of the result of the election as mentioned in Rule 8(7). The Petitioner shall also send copies of the petition to all the contesting candidates and to the Secretary of the State Council.

(2) As soon as possible after the receipt of the copy of the petition under sub-rule (1), the Secretary of the State Council shall send the sealed cover containing the ballot papers referred to in rule 8(8) above, and all other papers and records relating to the election, to the Secretary of the Council.

10. (1) The Council may reject any petition received under Rule 9, if in its opinion, there is no prima facie case.

(2) If the Council is of the opinion that there is a prima facie case, either the Council or a Committee of the Council comprising not more than 3 members of the Council constituted therefor shall, after hearing all the parties concerned, determine the said dispute.

(3) The Council, or the Committee, as the case may be, shall have all or any of the following powers :—

- (a) to dismiss the petition;
- (b) to set aside the election;
- (c) to declare any candidate as having been duly elected;
- (d) to order a fresh election; and
- (e) to make an order as to costs.

(4) A copy of the Order of the Council or the Committee may be sent to the State Councils.

(5) The State Council concerned shall cause such fresh election to be held as may be ordered under sub-rule (3) of this rule.

(6) The parties shall be entitled to obtain copies of the Order or the decision of the Council or of the Committee as the case may be, on payment of the charges, if any, prescribed therefor under the rules of the Council. The Chairman, of the Council or the President of the Committee, as the case may be, may also permit copies of any other part of the record of the enquiry to be furnished on payment of such charges as may be prescribed during the pendency of the election petition.

B. Expiry of Term of Officer of Chairman, Vice-Chairman and Members of Committees of the Council.

11. A member of the Council elected as Chairman or Vice-Chairman or Member of any Committee of the Council, shall cease to hold office as such Chairman, Vice-Chairman or Member of Committee, on the expiry of his term as a member of the State Council for which he was elected under Section 8 of the Act, and fresh elections thereto shall be held for the residue of the term of the said office.

C. Election of Chairman & Vice-Chairman.

12. (1) (a) The election of the Chairman and Vice-Chairman shall be held at a meeting of the Council.

(b) At every such meeting for the election of the Chairman, the Vice-Chairman, if he is not a candidate shall preside. In the absence of the

Vice-Chairman, a member of the Council who is not a candidate, elected by the members present shall preside.

(c) In the case of the election of the Vice-Chairman, the Chairman, or in his absence the Vice-Chairman, if he is not a candidate, shall preside.

In the absence of the Chairman and the Vice-Chairman, any member of the Council who is not a candidate, elected by the members present, shall preside.

(d) (i) The name of the candidate for the election shall be proposed by one member and seconded by another member at the meeting.

(ii) No member shall propose or second more than one name.

(iii) If only one member has been duly nominated he shall be declared elected.

(iv) Any candidate nominated may withdraw before voting takes place.

(e) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot.

(f) The Secretary shall provide voting papers with the names of the candidates. Each voting paper shall bear the signature of the Secretary.

(g) A voter in giving his vote shall place on his voting paper a mark 'X' against the name of the candidate of his choice.

The voting paper shall not be signed by the voter and in the event of the erasures, obliterations or alterations in the voting paper, or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced, and the vote purporting to have been given thereby shall not be taken into account for the purposes of the election. The decision of the Chairman of the meeting whether the voting paper has or has not been defaced shall be final.

A Voting Paper shall be invalid on which

- (i) the mark 'X' is not made, or
- (ii) the mark 'X' is set opposite the name of more than one candidate, or is so placed as to render it doubtful to which candidate it is intended to apply, or
- (iii) the mark 'X' and any other mark or figures are set opposite the name of the same candidate, or
- (iv) there is any mark in writing by which the voter can be identified.

(h) The Secretary shall count the valid votes immediately after the close of the voting.

The member securing the largest number of votes shall be declared elected. In the case of two or more members securing an equal number of votes, the Chairman of the meeting shall decide the election by drawing lots.

(2) The Chairman or the Vice-Chairman shall hold office for a period of 2 years, or until his term of office in the State Council in which he was elected under Section 4(1)(c) ceases, whichever is earlier.

(3) The Chairman or the Vice-Chairman may resign his office by letter addressed to the Secretary of the Council. Such resignation shall take effect from the date of the acceptance thereof by the Council or from such other date as the Council may fix.

13. If the Chairman or the Vice-Chairman ceases to be a member of the Council for any reason, the vacancy shall be filled up by election as far as possible at the next meeting of the Council.

14. The result of the election of the Chairman or the Vice-Chairman shall be sent forthwith to the Gazette of India for publication.

D. Powers and Duties of the Chairman and Vice-Chairman.

15. Save as otherwise provided in these rules, and subject to the resolutions of the Council, the Chairman shall exercise general control and supervision over the affairs of the Council.

16. He shall preside over the deliberations of the Council and of all Committees of which he is a member.

17. Save as otherwise decided at a meeting of the Council or the Committee as the case may be, he shall cause the meetings of the Council or the Committees convened at such time as he may fix. He shall also settle the items for the agenda for the meetings of the Council.

18. He shall have power to pass interim orders in revisional and other matters arising out of the supervisory jurisdiction of the Council.

19. He shall have power to punish any employee of the Council by way of censure or reprimand and may initiate proceedings for suspension, removal or dismissal.

20. He shall be the authority to sanction the disbursement of salaries of the staff and to order payment of any bill outstanding against the Council.

21. The Vice-Chairman shall exercise all the powers and discharge all the functions of the Chairman in his absence and under his direction.

CHAPTER II

Meeting of Council and its Committee other than those of the Disciplinary Committee.

[Rules under Section 15(2)(h) and (j) of the Act]

1. Notice of every meeting of the Council and the Committees shall ordinarily be sent by the Secretary not less than 15 days before the date of the meeting, except when the Chairman or any two members require a meeting, to be called or short notice on grounds of urgency. No proceeding shall be invalidated merely on the ground that the rule relating to notice is not strictly complied with.

2. Notice of the meeting shall specify the time and place of the meeting and shall contain the agenda fixed for the meeting.

3. No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten days' notice to the Secretary, unless the Chairman, in his discretion, permits him to do so.

4. The minutes of the previous meeting shall ordinarily be read and recorded at the subsequent meeting.

5. The quorum for the meeting of the Council shall be seven; and for all other Committees, except the Executive Committee and Legal Education Committee, the quorum shall be two. The quorum for the Executive Committee and the Legal Education Committee, shall be four.

6. If urgent action by the Council or by any Committee of the Council other than a Disciplinary Committee becomes necessary, the Chairman of the Council or of such Committee as the case may be, may permit the business to be transacted by circulation of papers to the members of the Council or the Committee as the case may be. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the Council or the Committee as the case may be. The action so taken shall be forthwith intimated to all the members of the Council or the Committee concerned. The papers shall be placed before the next meeting of the Council or the Committee concerned for confirmation.

7. The Council, or any Committee may adjourn from day to day or any particular day, without further notice.

8. A member shall address the Chair when speaking at a meeting of the Council and he shall be entitled to speak

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only once on each subject, unless otherwise required or permitted by the Chairman to do so.

9. Save as otherwise provided in these rules, the decision on any matter shall be by majority, and in the case of equality of votes, the Chairman of the meeting shall have a second or casting vote.

10. No matter once decided shall be reconsidered for a period of three months unless the Council by a two-thirds majority of the members present, so permits.

11. Any Committee may refer for advice any matter to the Council.

12. In the absence of the Chairman and the Vice-Chairman at any meeting, a member chosen by members present shall preside at the meeting.

CHAPTER III

Constitution, Functions and Procedure of Committees of the Bar Council of India.

[Rules under Sections 9, 9A, 10 and 15(2)(i) and (j) of the Act.]

1. The Council may appoint from amongst its members, one or more Committees as it may deem necessary, in addition to those specified in the Act and delegate such powers, duties and functions to such Committees as it deems fit.

2. Any casual vacancy in the above Committees shall be filled up by the Council.

3. Save where the Chairman or the Vice-Chairman is a member of the Committee or sub-committee, the Committee or the sub-committee shall choose its Chairman for the meeting, unless at the time of the constitution thereof the name of the Chairman has been specified.

4. Unless otherwise determined at the time of election, the term of the members of the Committees of the Council shall be as follows :—

- (a) Executive Committee—2 years,
- (b) Disciplinary Committee—3 years,
- (c) Legal Education Committee—4 years,
- (d) Legal Aid Committee—2 years,
- (e) Advocates Fund Committee—2 years,
- (f) Any other Committee not falling under the above clauses—2 years.

5. The Executive Committee

(1) The procedure for the election of the Members of the Executive Committee shall be by secret ballot and in accordance with the rules, in so far as they are applicable, laid down in Rule 12, Chapter I, Part II.

(2) A casual vacancy in the Committee shall be filled up by election by the Council.

(3) The Chairman shall preside, and in his absence, the Committee shall elect a Chairman for the meeting.

(4) The Committee shall be the executive authority of the Council, and shall be responsible for giving effect to the resolutions of the Council. It shall have powers :—

- (a) to manage the funds of the Council;
- (b) to invest the funds of the Council in the manner directed by the Council from time to time;
- (c) to grant leave to members of the staff, other than casual leave;
- (d) to prescribe books of account, registers and files for the proper management of the affairs of the Council;
- (e) to appoint and supervise the work of the members of the staff and prescribe their conditions of service;

- (f) to appoint auditors and fix their remuneration;
- (g) to consider the annual audit report and place it before the Council with its comments for its consideration;
- (h) to maintain a library, and under the directions of the Council, publish any journal, treatise or pamphlets on legal subjects;
- (i) to prepare and place before the Council, the annual administration report and the statement of account;
- (j) to provide for proper annual inspection of the office and its registers;
- (k) to authorise the Secretary to incur expenditure within prescribed limits;
- (l) to fix travelling and other allowances to members of the Committees of the Council, and to members of the staff;
- (m) to delegate to the Chairman and/or the Vice-Chairman any of its aforementioned powers;
- (n) to do all other things necessary for discharging the aforesaid functions.

6. The Legal Education Committee

(1) The procedure for the election of the Members of the Legal Education Committee shall be by secret ballot, and in accordance with the rules, in so far as they are applicable, laid down in Rule 12, Chapter I, Part II.

(2) The names of the remaining five members of the Committee to be co-opted shall be proposed and seconded by the members of the Council. In case more than five persons are proposed they shall be chosen by a show of hands. If there is equality of votes, the Chairman of the meeting shall have a casting vote.

7. A casual vacancy in the Committee shall be filled in by the Council from amongst its members or non-members as the case may be, in the manner specified in rule 6 above.

8. The Committee shall have the following powers and duties:

- (a) to make its recommendations to the Council for laying down the standards of legal education for the universities;
- (b) to visit and inspect Universities and report the results to the Council;
- (c) to recommend to the Council the conditions, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India may be recognised for admission as Advocates under the Act;
- (d) (i) to recommend to the Council for recognition of any degree in law of any University in the territory of India under Section 24(1)(c)(iii) of the Act, and
- (ii) to recommend the discontinuance of any recognition already made by the Council.

9. The Disciplinary Committee

(1) The procedure for the election or co-option of the Members of the Disciplinary Committee shall be by secret ballot and in accordance with the rules, in so far as they are applicable, laid down in Rule 12, Chapter I, Part II.

(2) Any casual vacancy shall be filled in by the Council by election or co-option from amongst its members or non-members as the case may be.

(3) The Chairman or the Vice-Chairman of the Council shall assign and allocate all matters relating to the Disciplinary Committees amongst them if more than one such Committee is constituted, or is in existence.

10. For the purpose of determining the seniormost member of a Disciplinary Committee under Section 9 of the Advocates Act, 1961—the seniority

- (i) of a senior Advocate, and

- (ii) of an advocate of the Supreme Court enrolled before 1-12-1961,

shall be determined in accordance with the date of his enrolment under the Bar Councils Act, 1926.

11. *Election of Representatives.*—The procedure for electing its representative to the Press Council of India under the Press Council Act, 1965, or for electing any other representative or representatives by or from amongst its members to any other statutory body by virtue of any special power conferred under any other enactment or for any other election by the Council provided that any member so requires, shall be in accordance with the same procedure and shall in so far as it may be applicable, be as laid down in Rule 12, Chapter I, Part II.

CHAPTER IV

Qualifications and Conditions of Service of the Secretary, Accountant and other Members of the Staff.

[Rules under Section 15(2)(k) of the Act.]

SECRETARY :

1. The Secretary shall—

- (a) be a citizen of India,
- (b) be a law graduate or barrister-at-law,
- (c) have been either—
 - (i) Registrar of the Supreme Court or of a High Court in India, or
 - (ii) an Advocate with 10 years' practice at the Bar, or
 - (iii) Secretary of a Bar Council for at least 10 years and
- (d) be ordinarily not less than 40 years and not more than 50 years of age at the time of appointment.

PROVIDED that if at any time, the Council considers that a person having the necessary qualifications is not available, it may relax any of the qualifications mentioned in sub-rules (c) and (d) of this rule.

2. The Secretary shall draw a salary in the grade of Rs. 1000—60—1600—EB—100—1800—100—2000. He shall be paid such allowances as the Council may determine from time to time.

3. The Secretary shall be the Chief Executive Officer of the Council and shall perform inter alia the following duties:—

- (i) attend all meetings of the Council or of the Committees unless otherwise directed;
- (ii) keep records and minutes of the proceedings of the Council and of its Committees;
- (iii) keep in his custody the property of the Council including the seal of the Council;
- (iv) exercise general control and supervision over the employees of the Council;
- (v) arrange for the deposit of the monies received on behalf of the Council in Bank and see to the security of the cash in hand;
- (vi) act as Secretary of all Committees and convene meetings of the Council or its Committees, unless otherwise decided by the Council;
- (vii) appoint such temporary staff as may be necessary with the permission of the Chairman to transact urgent work;
- (viii) issue requisite notifications as prescribed and circulars as may be required;
- (ix) attend to the correspondence of the Council and of the Committees;
- (x) act as Registrar of the Disciplinary Committees, issue notices and subpoenas and be in charge of all work in proceedings under Chapter V of the Act

including the grant of certified copies of documents and evidence or statements of witnesses;

- (xi) grant certified copies of documents or other proceedings referred to in the Act or in these rules;
- (xii) shall be the custodian of the records, registers, accounts, furniture, library and such other property as the Council might acquire from time to time.
- (xiii) perform such other duties as may be assigned to him by the Council or the Committees, or the Chairman.

4. The Secretary shall retire on attaining the age of 60 years provided that the Council may extend his term by a period not exceeding 2 years at a time, but not exceeding 5 years in the aggregate.

ADDITIONAL, JOINT, ASSISTANT SECRETARIES

5. The Council may also appoint one or more Additional, Joint, or Assistant Secretaries on such scales of pay and allowances as may be fixed by it.

6. The Additional, Joint or Assistant Secretary shall, save as otherwise directed by the Council or the Executive Committee perform such work or discharge such functions as may be entrusted to them by the Secretary.

7. The Additional, Joint or Assistant Secretary shall retire on attaining the age of 60 years provided that the Council may extend the term by a period not exceeding two years if it thinks fit.

ACCOUNTANT

8. The qualifications of the Accountant shall be :—

- (a) M.Com. of any University in India or its equivalent or a Chartered Accountant.
- (b) experience as Accountant preferably in a limited company or reputed commercial concern for not less than 5 years,
- (c) ordinarily not less than 30 years of age, at the time of appointment.

PROVIDED however, that any of the above qualifications may be waived in the case of a person who had been already in the service of the Council as Deputy or Assistant Accountant or otherwise and is considered fit for such appointment as Accountant or if a suitable candidate possessing the above qualifications is not available, and the Council considers it fit to appoint him.

9. The Accountant shall draw a salary in the grade of Rs. 520—20—700—25—950 with effect from 1-1-1973.

10. The Accountant shall be responsible for the maintenance of all the accounts of the Council and he may also be required by the Council or Secretary to discharge such additional work of the Council as may be entrusted to him.

11. The Accountant shall retire on attaining the age of 60 years provided that the Council may extend his term by a period not exceeding two years if it thinks fit.

12. The Accountant and other permanent members of the staff shall be entitled to Dearness Allowance, House Rent Allowance and City Compensatory Allowance from 1-1-1973 at the rate as is paid to the staff of the Supreme Court of India.

13. All the permanent employees of the Council shall be entitled to the benefit of Provident Fund and Gratuity in accordance with such rules as may be framed in that behalf by the Executive Committee.

14. All the employees of the Council shall be subject to such conditions of service as to leave and such other matters as may be resolved in this behalf by the Executive Committee of the Council.

CHAPTER V

Rules relating to Finance

[Rules under Section 15(2)(1), (m) and (n) of the Act]

1. All monies received on behalf of the Council shall be acknowledged by a receipt signed by the Secretary or any other person authorised by the Executive Committee. Amounts received shall be credited into the account of the Council in the Bank on the next working day of the Bank.

2. The books of account and registers shall be strongly bound and paged. On the 1st or title page, the number of pages of the book or the register shall be entered and the entry shall be signed by the Secretary. Corrections in the entries shall be made in red ink and attested by the Accountant. Erasures shall on no account be permitted.

3. Receipt forms shall be numbered consecutively and bound into books of 100 forms each. On the front page of each book shall be entered the first and the last number of the receipts in that book be so certified by the Secretary. Receipts shall be in duplicate. The first part shall remain in the book and the second part shall be given to the payer. All receipts shall be signed by the Secretary or by such person as the Council may direct.

4. Payments of Rs. 50/- and over shall ordinarily be by cheque.

5. Bills presented for payment shall be examined by the Accountant and on his being satisfied that the claim is admissible, and the payment is duly authorised by the Secretary, the Accountant shall pay the amount against a receipt. The entry in the account book shall show if the payment is made by cash or by cheque. The bill and the relevant receipt shall be pasted together and shall be numbered consecutively in the year as payment voucher and shall be pasted in the bound book.

6. Salary bills shall be in such form as the Executive Committee may direct.

7. A bill presented for payment three months after the money becomes due, shall not be paid without the sanction of the Executive Committee.

8. The Executive Committee may fix the amount of a permanent advance to be made to the Secretary and to the Accountant as the case may be.

9. The Accountant shall maintain an acquittance register in the following form/or in such other form as the auditor may direct :—

Name	Designation	Pay	Dearness Allowance etc.	Total Salary (add Cols. 3 and 4)	Contribution towards provident fund	Net salary payable (Col. 5 minus 6)
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Instalment amount towards provident fund loan taken		Amount of interest payable on the principal loan amount outstanding		Total	Signature with date	
(8)		(9)		(10)	(11)	

10. All monies received and spent shall be immediately brought into account in the cash book and ledger. The cash book shall be balanced at the close of every month and signed by the Secretary, and the Accountant.

11. (1) (i) The Chairman (ii) the Vice-Chairman or (iii) any other person authorised by the Council, shall be entitled to incur expenditure sanctioned in the budget without any further authority.

(2) The Chairman and/or the Vice-Chairman shall be the person authorised by the Council, shall have authority to spend or incur expenditure of an emergent nature not provided for in the budget not exceeding Rs. 2000/- a month for the purpose of the Council.

12. The Chairman and/or the Vice-Chairman shall be the authority to sanction travelling allowance and daily allowance bills of the members.

13. The accounts of the Council shall be audited once a year.

14. The annual statement of income and expenditure of the year so audited shall be laid before the Executive Committee not later than the 31st of July each year.

15. The funds of the Council may be invested as follows:—

- (i) in the State Bank of India or such other nationalised bank as the Council may decide;
- (ii) in any of the securities specified in Section 20 of the Indian Trusts Act, 1882, as the Council may decide.

16. Budget estimates of income and expenditure for the coming year shall be made by the Executive Committee and laid before the Council for approval before the 31st March every year.

17. (1) All cheques other than those mentioned in sub-rule (2) shall be signed or endorsed and all bills, notes or other negotiable instruments shall be drawn, accepted or made on behalf of the Council by two persons, viz., (i) by the Chairman or the Vice-Chairman of the Council and in their absence by such other member as may be authorised by the Council in that behalf, and (ii) the Secretary, and in his absence the Joint or Assistant Secretary, if any, authorised by the Council.

(2) Notwithstanding anything contained in Rule 11, Chapter V Part II of the Council, the Council may by resolution open a separate Savings Bank Account in any Bank specified by it or in a post office to be operated upon by the Secretary of the Council.

18. All monies and securities belonging to the Council shall stand in the name of the Council.

19. The Council shall open a Provident Fund account in a Bank authorised by the Council in accordance with the Provident Fund Rules.

CHAPTER VI

A. Miscellaneous: Publication of rules and other information, and date of coming into force of the rules

[Rules under Sections 7(m) and 49(j) of the Act]

1. Unless the Council otherwise directs, all rules of the Council shall come into force on the date of their publication in the Gazette of India.

2. Information *inter alia*, on the following matters shall, unless the Council determines otherwise, be communicated to all the State Councils:—

- (i) Election of Chairman, Vice-Chairman,
- (ii) Order of the Council under proviso 1 to Section 26 of the Act, removal of name under Section 26A of the Act and orders on matters dealt with under Section 48A and 48B of the Act as are approved by the Council for communication,

(iii) Consent expressed under section 27 of the Act to the enrolment of a person whose application on a former occasion had been refused by a State Council,

(iv) Decisions of the Council relating to recognition of degree referred to in Section 24(1)(c)(iii), (iia) or (iv) of the Act,

(v) Decisions of the Council or its Committees on election disputes under rule 10 of the rules in Chapter I, Part II of these rules.

3. Subject to such directions, specific or general, as may be given by the Council, the Secretary shall send to all the State Bar Councils copies of all final orders of the Disciplinary Committees of the Bar Council of India made under Section 36, 36B and 37 of the Act.

4. Subject to such directions, specific or general, as may be given by the Council, the Secretary of the Council may furnish certified copies of the orders mentioned in Rule 3 on payment of the charge of Re. 1/- after deleting the names of the advocate against whom the enquiry is made for publication in any legal journal or to any Bar Association as may apply therefor.

Provided that copies of the orders mentioned in this Rule shall not be issued (a) where an appeal has been filed in the Supreme Court, before the disposal of the appeal and (b) where no such appeal has been preferred to the Supreme Court, before the expiry of the period of limitation for filing the appeal.

5. Whenever any disciplinary action is taken or confirmed, by the Disciplinary Committee or the Council as the case may be against an advocate, information thereof shall be communicated by reference to the name and number of the roll of the advocates and the date of the enrolment to the following:

All the State Bar Councils through the State Bar Council where the advocate was practising, the High Court, the District Courts, and such Bar Associations as the said State Bar Council may deem fit.

B. Inspection of Records and Copies

6. (1) Save as otherwise directed by the Chairman or the Vice-Chairman of the Council, or the Chairman of the Committee concerned as the case may be, inspection of any of the records in any proceedings of a judicial nature of the Council or of its Committees other than those of a Disciplinary Committee may be permitted to the parties or their counsel, on any working day except during the summer or other vacations of the Supreme Court on presentation to the Secretary of an application duly signed by the applicant or his Counsel.

(2) An application for inspection shall be accompanied by the fees prescribed therefor in cash. The Secretary may permit the inspection in his presence or in the presence of any member of the staff authorised by him. The person inspecting shall not be entitled to make copies of the records of which inspection is permitted. He shall however be permitted to make short notes in pencil.

(3) Save as otherwise directed by the Chairman or Vice-Chairman of the Council or the Chairman of the Committee concerned as the case may be, certified copies of the records of a proceeding of a judicial nature of the Council or of its Committees as the case may be, may be granted to the parties or to their counsel on an application made in that behalf and on payment in cash of the prescribed fees.

CHAPTER VII

Proceedings for Removal of Name from Roll under proviso to Section 26(1) of the Act.

1. Whenever a State Council, or any Committee duly authorised by the State Council has credible information from any source, whatever that an advocate on the roll of the State Council has obtained his enrolment under circumstances which, if established will render his name liable to be removed

by the Council under the proviso to Section 26(1) of the Act, it shall be the duty of the State Council or the said Committee to enquire into the matter and report its findings to the Council.

In holding such enquiry the Council or the Committee shall hear the advocate concerned and otherwise follow the principles of natural justice.

2. In disposing of any proceedings under the said proviso, whether instituted on a report under Rule 1 or otherwise, the Council may, if it considers it just and expedient, cause an enquiry into disputed questions of fact to be made by any State Council or Committee thereof or any other Committee consisting of one or more persons as it may deem fit. The State Council or the Committee, as the case may be, shall follow the procedure mentioned in Rule 1.

CHAPTER VIII

Additional qualification for Enrolment as Advocate

Any person who has held office as a Judge of any High Court in India may on retirement be admitted as an Advocate on the roll of any State Council where he is eligible to practise.

CHAPTER IX

Revision under Section 48A of the Act

1. (1) An application for Revision shall be in the form of a petition duly signed setting out the necessary facts, and shall be accompanied by the copy of the Order in respect of which the Revision is filed, giving the address of the Petitioner and the Respondent or Respondents. It shall be supported by an affidavit and shall be accompanied by the prescribed fee which is payable in cash or could be sent by M.O. The applicant shall file at least 5 more copies of the petition and affidavit, and if there is more than one Respondent as many additional copies as are necessary to serve the other respondents.

He shall file translations in English of such of the papers as may be necessary for reference at the time of the hearing.

(2) No application for Revision shall ordinarily be entertained after 90 days from the date of the Order complained of.

2. (1) If the Revision Petition is in Order, the papers shall be called for and the Council, or a Committee of the Council constituted or authorised in this behalf, may direct notice to the Respondent. The papers shall not however be called for unless so directed by the Council in a Revision Petition against an order of the Disciplinary Committee.

(2) If the Council or the Committee considers that there are no merits in the Revision Petition, opportunity shall be given to the Petitioner to appear before the Council in support of the petition.

3. The Council may after hearing the Petitioner, direct notice to the Respondent or dismiss the Petition, as it may consider fit.

4. Upon notice being issued under the above Rules after giving reasonable opportunity of hearing to the parties, the Council may pass such orders on the Revision Petition as it deems proper after giving reasonable opportunity of hearing to the parties.

5. Unless the Council otherwise specifically directs, the Petitioner and the Respondent may appear by advocates, who shall file a vakalatnama signed by the party.

6. A copy of the Order on the Revision shall be sent to all the parties.

FORM A

(Subject to necessary modifications)

[Under Rule 3, Chapter IX, Part II of the Rules of the Bar Council of India.]

For Revision under Section 48A

THE BAR COUNCIL OF INDIA

Notice under Section 48A of the Advocates Act, 1961, read with the Rules in Chapter IX, Part II of the Rules of the Bar Council of India.

BCI REVISION CASE NO...../19
In the matter of
..... Petitioner
..... Respondent

WHEREAS on the application above referred to/suo moto/ the Bar Council of India having come to the conclusion that in exercise of the powers conferred upon it under Section 48A of the Advocates Act, 1961, it should satisfy itself as to the legality or propriety of such disposal of the Bar Council of/ of the Committee of the Bar Council of/dated.....(set out the necessary gist of the Order)

The Respondent is hereby informed that the said application will be heard by the Bar Council of India on..... at (time)..... at (place)..... and if the Respondent does not appear in person or through his advocate on the said date or on such other date to which the hearing may be adjourned, the matter will be heard and disposed of in his absence.

Secretary

Date..... The Bar Council of India.

CHAPTER X

Application for Review under Section 48AA of the Act

1. (1) An application for Review made under Section 48AA of the Act shall set out the necessary facts and the grounds for review and be accompanied by an affidavit and the fee prescribed under these rules.

(2) A true copy of the order shall be filed alongwith the application.

(3) If this application for review received is in order, the Council may direct the issue of notice to the petitioner and such other person as it may consider necessary.

(4) A copy of the order on the review application shall be sent free of charge to the petitioner and the other party if any.

(5) Save as otherwise directed, the parties to whom notice has been issued may appear in person or by advocate or through authorised agent and if any of the parties fail to appear pursuant to the notice issued on any date of hearing, the Council may dispose of the application in such manner as it may think fit.

2. The procedure prescribed in the above rules in this Chapter shall apply to the extent to which they are applicable when the Council acts of its own motion.

CHAPTER XI

Orders of the Bar Council of India

1. Every decision of the Council under the proviso to Section 26(1) or under Section 48A or under any other provisions of the Act shall be signed by the Chairman of the meeting at which the said decision was taken or if so authorised by any other member or the Secretary on behalf of the Council.

2. The Secretary shall send to the party or parties concerned, a copy of the Order free of charges.

PART III

CERTAIN MATTERS RELATING TO STATE COUNCILS

CHAPTER I

Electoral Roll, Disqualification of Membership and Vacation of Office

[Rules under Section 3(4), 10B, 15(2)(a) and 49(1)(a) and (ab) of the Act].

1. Every advocate whose name is on the Electoral Roll of the State Council shall be entitled to vote at an election.

2. Subject to the provisions of Rule 3 the name of every advocate entered in the State Roll shall be entered in the electoral roll of the State Council.

3. The name of an Advocate appearing in the State Roll, shall not be entered on the Electoral Roll, if on information obtained by the State Council :

- (a) his name has at any time been removed;
- (b) he has been suspended from practice, provided that this disqualification shall operate only for a period of five years from the date of the expiry of the period of suspension;
- (c) he is an undischarged insolvent;
- (d) he has been found guilty of an election offence in regard to an election to the State Council by an Election Tribunal, provided however that such disqualification shall not operate beyond the election next following after such finding has been made;
- (e) he is convicted by a competent court for an offence involving moral turpitude, provided that this disqualification shall cease to have effect after a period of two years has elapsed since his release;
- (f) he is in full-time service or is in such part-time business or other vocation not permitted in the case of practising advocates by the rules either of the State Council concerned or of the Council;
- (g) he has intimated voluntary suspension of practice and has not given intimation of resumption of practice.

Preliminary Electoral Roll

4. (1) A preliminary electoral roll containing the names of all advocates whose names are required to be included under these rules shall be put up on the notice board of the State Council within 120 clear days before the expiry of the term of the members of the said State Council necessitating the election, and relevant portion thereof shall be sent to such Bar Associations as the Secretary considers fit.

(2) The final electoral roll shall be prepared after incorporating such changes as may be necessary including the addition of the names of Advocates enrolled after the preparation of the preliminary roll and put up on the notice board of the State Council not more than 75 clear days and not less than 60 clear days, before the date of election. Intimation of such Publication shall be given within a week after the publication to the Bar Associations aforesaid.

(3) *Revision of Electoral Roll.*—If for any reason the election to the State Council is postponed beyond the date of expiry of the term of its members the preliminary or the final electoral roll shall be revised so as to include therein the names of Advocates enrolled upto 75 clear days before the date of the election."

Preparation of Electoral Roll

5. The electoral roll of the State Council shall *inter alia* contain the following particulars :—

- (i) serial number.
- (ii) number on the State Roll.
- (iii) name of Advocate as on the roll, and
- (iv) address of the advocate.

Disqualification of Membership

6. The nomination of any person who at the date of scrutiny thereof is subject to any of the disqualifications referred to in rule 3, shall be rejected.

"The amendment of this rule substituting the words "upto 75 clear days", in lieu of the words "within 75 clear days", has been brought into force from 19th May, 1975.

7. An elected member of the State Council shall be deemed to have vacated his office—

- (a) if he is suspended from practice, or his name is removed from the roll by an order of a competent authority, or for any reason whatsoever he ceases to be an advocate.
- (b) if he is adjudicated as an insolvent, or
- (c) if his name is transferred to the roll of another State Council.

CHAPTER II

Rules to secure at least a minimum number of advocates of ten years standing.

[Rules under Section 3(2)(b) and proviso and Sections 3(5) and 49(1)(ac) of the Act.]

1. (a) These rules shall apply to the election of members of all the State Councils in India.
- (b) In the case of any repugnancy between these rules and any rule or rules of any of the State Councils, these rules shall prevail and the rules framed by the State Councils shall be void to the extent of such repugnancy.
2. The Elections of members of the State Councils shall be in conformity with the proviso to Section 3(2) of the Act and these rules.
3. There shall be no limit to the number of candidates on the State rolls for at least 10 years that could be declared elected under these rules.
4. In the case of an election by a State Council for electing all the members specified in Section 3(2)(b) of the Act, the following procedure shall be adopted in the counting of votes :

Election of candidates with quota

- (a) If, at the end of any count, or at the end of the transfer of any parcel or sub parcel of an excluded candidate the value of the voting papers credited to a candidate is equal to or greater than the quota, then, he shall be declared elected.

Provided that—

- (i) No candidate whose name has not been on the State Roll for at least 10 years shall be elected under Section 3(2)(b) and the proviso thereto of the Act—
 - (a) if 7 candidates of less than 10 years' standing in the case of a State Council where 15 members are to be elected, have been declared elected; or
 - (b) if 10 candidates of less than 10 years' standing in the case of a State Council where 20 members are to be elected, have been declared elected; or
 - (c) if 12 candidates of less than 10 years' standing in the case of a State Council where 25 members are to be elected, have been declared elected.

- (ii) If at the end of any count, there are two or more candidates, who have not been on the State rolls for at least 10 years, getting more than the quota as aforesaid, but the number of candidates that can yet be elected from such category under the proviso to Section 3(2)(b) is less than that number, the candidates who has obtained the greater value of votes shall be declared elected in preference to the candidate whose value of votes is less.

- (iii) In the case of two or more persons of the category referred to in proviso (ii) above, getting the same value of votes at the end of

any count, the Secretary or other Returning Officer conducting the election shall decide by lot which of such persons shall be declared elected.

- (iv) The other candidate or candidates not declared elected as aforesaid by reason of the proviso to Section 3(2)(b) of the Act and these rules shall be excluded from the poll as provided in Rule 4(b) of these rules.

Exclusion of candidates lowest on poll or who have been on rolls for less than 10 years.

- (b) (1) The Secretary or Returning Officer conducting the election shall exclude from the poll —
- (i) when there are two or more candidates who have obtained more than the quota the candidate who cannot be declared elected under proviso (i) to rule 4(a) of these rules;
 - (ii) the candidates lowest in the poll in the following order; after all the surpluses have been transferred as provided in the rules of the State Council with regard to transfer of surplus, and the number of candidates elected is less than the required number, and after the exclusion from the poll, if any, under sub-clause (i) of this sub rule.

First such candidates whose names are on the State Roll for less than 10 years, if the number of such candidates declared elected as provided for in these rules is:—

- (a) 7 in the case of a State Council where in all 15 members have to be elected; or
- (b) 10 in the case of a State Council where in all 20 members have to be elected; or
- (c) 12 in the case of a State Council where in all 25 members have to be elected.

Next the other candidates.

*Illustration No. 1:—*At an election to a State Council where under the Act and these rules, the total number of elected members is 20, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State Rolls for at least 10 years gets 150; and N who has been on the State Rolls for more than 10 years gets 100.

Only 9 candidates whose names have been on a State Roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided for in these rules.

If in the same case, 10 candidates whose names have been on a State roll for not less than 10 years had already been declared elected, N will be excluded. The voting papers of N will be transferred as provided in these rules.

*Illustration No. 2:—*At an election to a State Council where under the Act and these rules, the total number of elected members is 15, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State Rolls for at least 10 years gets 150; and N whose name has been on the State rolls for more than 10 years gets 100.

Only 7 candidates whose name have been on a State Roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided in these rules.

If in the same case, 8 candidates whose name have on a State roll for not less than 10 years had already been declared elected, N will be excluded. The voting papers of N will be transferred as provided for in these rules.

*Illustration No. 3:—*At an election to a State Council where under the Act and these rules, the total number of elected members is 25, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M whose name has not been on the State Rolls for at least 10 years gets 150; and N who has been on the State rolls for more than 10 years gets 100.

Only 12 candidates whose names have been on a State Roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided in these rules.

If in the same case, 13 candidates whose names have been on a State roll for not less than 10 years had already been declared elected, N will be excluded. The voting papers of N will be transferred as provided for in these rules.

- (2) (i) The Secretary or other Returning Officer shall distribute the unexhausted papers of the candidates excluded under these rules among the continuing candidates according to the next preference recorded therein and all exhausted papers shall be set apart as finally dealt with.
- (ii) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.
- (iii) The papers containing votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.
- (iv) Each of such transfers shall be deemed to be a separate transfer, but not a separate count.
- (v) If, as a result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota, the counting then proceeding shall be completed, but no further papers shall be transferred to him.
- (vi) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such seat is filled either by the election of a candidate with the quota or as otherwise provided in these rules.
- (vii) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded, and if the values of their original votes are equal, the candidate with the

smallest value at the earlier count at which these candidates had unequal votes shall be excluded.

- (viii) If two or more candidates are lowest on the Poll and each has the same value of votes at all counts, the Returning Officer shall decide by lot which candidate shall be excluded.
- (ix) If during a count, any candidate getting the quota or more has to be excluded by reason of rule (1)4(a) above, the transfer of his votes shall be deferred and made immediately after the other candidates having got the above quota in that count are declared, and their votes transferred as provided for in these Rules.

Filling last vacancies

- (c) (1) When at the end of any count the number of continuing candidates is reduced to the number of seats remaining unfilled, the continuing candidates shall be declared elected subject to the following :—

If the total number of candidates so far declared elected from amongst the advocates whose names have been on the State roll for at least 10 years at the relevant date is less than —

- (i) 8 in the case of a State Council where 15 members are to be elected, or
- (ii) 10 in the case of a State Council where 20 members are to be elected, or
- (iii) 13 in the case of the State Council where 25 members are to be elected,

then, the requisite number of candidates of such standing shall first be declared elected and only the balance from amongst other candidates shall be declared elected.

- (2) When at the end of any count only one seat remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected. Such candidate shall not, however, be declared elected if he has been on the State Roll for less than 10 years and if the total number of candidates so far declared elected from amongst advocates on the State Roll for at least 10 years as provided in these rules, is less than 8 or 10 or 13 as aforesaid as the case may be.

- (3) When at the end of any count only one seat remains unfilled and there are only 2 continuing candidates, and each of them has the same value of votes and no surplus papers can be transferred, the Returning Officer shall decide by lot which of them shall be excluded, and after excluding him in the manner aforesaid, declare the other candidate to be elected.

Provided that if the total number of candidates who have been on the State Roll for at least 10 years on the relevant date so far elected is less than the required number, then that candidate who will be on the State roll for at least 10 years shall be declared elected and the other candidate shall be excluded.

Filling up vacancies or co-opting

- (4) In the case of any election to fill a vacancy amongst the members of the State Council, or while co-opting a member, the State Council shall conform to the requirement of Section 3(2)(b) of the Act, and the principles laid down in these rules.

Particulars regarding seats to be filled

- (5) In the case of every election of members of a State Council, the State Council shall—

- (a) notify the minimum number of seats that should be filled up from amongst advocates who, on the relevant date, will be advocates on a State Roll for at least 10 years,
- (b) require every candidate to specify in his nomination paper the date of his enrolment and the period for which his name had been on the roll of one or more High Courts under the Indian Bar Councils Act, 1926, and the roll or rolls of State Councils under the Advocates Act, 1961, with full particulars thereof,
- (c) indicate on the voting paper which of the candidates have been on a State Roll for at least 10 years as required.

Provided that this rule shall not be applicable to any election held by any State Council before the rules have come into force.

Computation of period

- (6) For the purpose of computing the minimum period of 10 years provided for in the proviso to Section 3(2)(b) of the Act, and these rules :—

- (i) the period during which an Advocate may have been on the roll of any other State Council or Councils on the roll of any High Court or High Courts under the Indian Bar Councils Act, 1926, shall be taken into account, and
- (ii) the period shall be computed as on the last date notified for receiving the nominations for the election.

PART IV

STANDARDS OF LEGAL EDUCATION AND RECOGNITION OF DEGREES IN LAW FOR ADMISSION AS ADVOCATE

[Rules under Sections 7(h) and (i), 24(1)(c)(iii) and (iii)(a) and 49(1)(d) of the Act]

1. (1) Save as provided in Section 24(1)(c)(iii)(a) of the Act, a degree in law obtained from any University in the territory of India after the 12th day of March, 1967 shall not be recognised for purposes of Section 24(1)(c)(iii) of the Act unless the following conditions are fulfilled:—

- (a) That at the time of joining the course of instruction in law for a degree in law, he is a graduate of a University, or possesses such academic qualifications which are considered equivalent to a graduate's degree of a University by the Bar Council of India;
- (b) that the law degree has been obtained after undergoing a course of study in law for a minimum period of three years as provided in these rules; and
- (c) that the course of study in law has been by regular attendance at the requisite number of lectures, tutorials and moot courts in a college recognised by a University.

- (2)(a) The Council shall publish a notification in the Gazette of India and the prominent newspapers in India, names of Universities whose degrees are recognised under the rules in this Chapter; and

- (b) send a copy of the notification above referred to, to all the Universities.

(3) Information about the non-recognition or derecognition of the degree in law of any University may also be sent to Universities in India and the State Bar Councils,

Where the medium of instruction during the course of instruction in law taken by an applicant for admission to the roll of advocates is not English, or where he has in fact answered the papers for the law examinations in a language other than English, he shall as a condition of his enrolment be required to pass a written test of "Proficiency in English" to be conducted by a Bar Council except when he has obtained his qualifying degree or equivalent qualification under Rule 1 with English as one of his subjects or where he has passed such a test as a part of his course of instruction in law.

Explanation : The test, shall require the standards of the holder of a Bachelor's degree of a University.

This rule shall be deemed to have come into force on 1st August, 1971.

3. (1) Admission of a student to the course of instruction in law shall ordinarily be on the basis of his merit as a student.

(2) The instruction to be imparted should ordinarily be for a minimum of 3 hours on every working day.

(3) The students should be required to put in a minimum attendance of 66% of the lectures on each of the subjects as also at tutorials and Moot Courts.

Provided that in exceptional cases for reasons to be recorded and communicated to the Bar Council of India, the Dean of the Faculty of law and the Principals of the Law Colleges may condone attendance short of those required by the Rule, if the student had attended 66% of the lectures in the aggregate for the Semester or examination as the case may be.

4. The strength of a Law class shall not ordinarily exceed eighty pupils.

5. The course of instruction shall include

(a) the following ten subjects :—

1. Indian Legal and Constitutional History
2. Contracts
3. Torts
4. Family Law including Hindu and Mohammadan Law
5. Crimes and Procedure
6. Constitutional Law of India
7. Property Law
8. Evidence
9. Legal Theory (Jurisprudence & Comparative Law)
10. Civil Procedure & Limitation, Arbitration, and

(b) not less than six more subjects, 4 of which shall be from amongst the following :—

1. Administrative Law
2. Equity
3. Public International Law
4. Company Law
5. Labour Law
6. Taxation
7. International Organisation
8. Bankruptcy.

9. Law of Cooperation and Public Control of Business.

10. Military Law

11. Insurance

12. Trusts & Other Fiduciary Obligations

13. Trade Marks and Patents

14. International Economic Law

15. Criminology and Criminal Administration

16. Interpretation of Statutes & Principles of Legislation

17. Legal Remedies

18. Private International Law, and

19. English Language (Graduate Standard).

6. During the last year of the course mentioned in Rule 1 instruction and practical training shall also be imparted for a period of six months in the Rules of Courts and in Drafting of Pleadings and Documents.

7. The examinations shall ordinarily be held at the end of every year. The University shall however be at liberty to hold examinations at the end of every 6 months. Suitable allocation of subjects for the period of one year or six months as the case may be shall be made.

8. Every University shall endeavour to supplement the lecture method with the case method, tutorials and other modern techniques of imparting legal education.

9. Full-time teachers of law shall ordinarily be holders of a Master's degree in law and part-time teachers shall have a minimum practice of 5 years at the Bar. Ordinarily half of the teaching staff shall consist of full-time teachers.

10. Universities shall endeavour to establish or recognise only those colleges which have whole time day classes in law and preferably full-time law schools which exclusively teach law.

PART V

THE STATE ROLL AND SENIORITY

CHAPTER I

Preparation and Maintenance of the State Roll

[Rules under Sections 17, 19, 20 and 22 of the Act]

1. (1) The Council may, from time to time, give directions as to the manner in which the State Councils shall prepare and maintain the Rolls under Section 17 of the Act.

(2) The copies of the State Rolls to be sent under Section 19 of the Act shall be in Form 'B-1 and B-2' as set out in the rules at the end of this Chapter and shall contain such further details as the Council may specify.

2. Particulars of transfers under Section 18 of the Act, cancellations directed under the proviso to Section 26(1) of the Act, removal of names under Section 26A of the Act, punishments imposed by an order under Chapter V, particulars as to the result of appeals under and relevant decisions of the courts, and such other matters which the Council may specifically direct, shall be noted in the said Rolls.

3. Save as otherwise directed by the Council, no other particulars shall be entered in the said Rolls.

4. Every page of the Roll shall bear the signature or a facsimile thereof of the Secretary or other person authorised by the State Council.

5. Authenticated copies of any additions or alterations made in the Roll shall be sent to the Council without delay.

FORM B-1

[Under Rule 1(2) of Chapter I, Part V]

PART I/II Copy of Roll under Section 17(1) (a)/(b) of the Advocates Act, 1961 of the Bar Council of..... sent under Section 19 of the Advocates Act, 1961.

S. No.	Name	Address	Date of enrolment under the Bar Council's Act/ Advocates Act	Date of entry as Vakil, Pleader or Attorney if any	Date of Birth	Date of Transfer if any	If enrolled in Supreme Court date of such enrolment	Date of enrolment as Senior Advocate in case designated as such on or after 1-12-1961	Remarks (particulars envisaged under Rule (2))
1	2	3	4	5	6	7	8	9	10

FORM B-2

[Under Rule 1(2) of Chapter I, Part V]

PART II Copy of Roll under Section 17(1)(b) of the Bar Council of..... sent under Section 19 of the Advocates Act, 1961.

Roll No.	Name and Address	Date of enrolment under the Advocates Act, 1961	Date of Birth	Date of transfer, if any, and particulars	Remarks
1	2	3	4	5	6

Particulars should be entered in the remarks column for persons enrolled under Section 24(3).

CHAPTER II

Prevention of Entry in more than one Roll

[Rules under Sections 17(4) and 49(1)(ad) of the Act]

1. The rules of every State Council shall provide inter alia, for a declaration in its form of application for enrolment—

(a) that the name of the applicant is not on the roll of any other State Council, and

(b) that the applicant will not, so long as his name is on the roll of one of the State Councils, apply for enrolment to any other State Council.

2. The Council may, on receipt of information that the name of any person is entered on the roll of more than one State Council, after hearing the person concerned, remove his name from any of the rolls on which his name appears and take such other action against him as may be called for.

CHAPTER III

Transfer of Name from one State Roll to another State Roll

[Rules under Sections 18 and 49(b) of the Act].

1. Any person whose name is entered on any State Roll may make an application to the Council for transfer under Section 18 of the Act in Form 'C' in this Chapter. The application shall be accompanied by (i) a certified copy of the entry in the State Roll relating to the applicant and (ii) a certificate from the State Council stating that his certificate of enrolment has not been recalled, that the applicant is entitled to practise on the date of his application, that there are no disciplinary proceedings pending against the applicant and that it has no objection to the transfer being ordered.

On receipt of an application for transfer, the Secretary shall enquire from the State Council concerned whether they have any objections to the transfer being granted, and he shall thereafter place the papers for disposal before the Council or a Committee constituted for the purpose. If the Committee considers that the application shall be refused, the matter should be referred to the Council for orders.

2. (1) The order of the Council on the application for transfer shall ordinarily be in Form 'D' in the annexure to this Chapter.

(2) The applicant for transfer shall be informed about the order on his application.

(3) On receipt of a Communication from the Bar Council of India of an Order for transfer :

- (a) it shall be the duty of the advocate who has applied for transfer to produce the certificate of enrolment issued to him under Section 22 of the Act for endorsement in Form D-1 in this Chapter to the State Council on the roll of which his name appears. The said State Council shall as expeditiously as possible after the endorsement and the necessary entries in its roll transmit the certificate to the State Council to which the name of the Advocate is directed to be transferred;
- (b) on receipt of the certificate endorsed as aforesaid the Secretary of the latter State Council shall make a further endorsement thereon in Form D-2 in this Chapter;
- (c) on such endorsement being made and the other formalities, if any, required by law being complied with, the transfer shall be deemed to take effect from the date of the direction of the Bar Council of India under Section 18 of the Act.

(4) A copy of the Order on the applications for transfer made by the Council shall be put up on the Notice Board of the State Councils concerned.

FORM C

[Under Rule 1 Chapter III Part V]

THE BAR COUNCIL OF INDIA

Application for Transfer to another Roll under Section 18 and 49(b) of the Advocates Act, 1961.

From

To

The Secretary,
The Bar Council of India,
NEW DELHI

Sir,

1. I request the transfer of my name from the roll of the Bar Council of _____ to the roll of the Bar Council of _____ under Section 18 of the Act for the reasons set out by me in this application.

2. I was enrolled in the Bar Council of _____ on _____

3. My name is entered on the roll of the said Bar Council as _____ and my roll number is _____.

4. I state that prior to my enrolment as aforesaid, in the Bar Council of _____ I did not make any application for enrolment to any other State Bar Council and that no such application was either withdrawn, refused or dismissed.

(If any prior application had been made, details should be given here.)

5. I state that there are/are no disciplinary proceedings pending against me in any State Bar Council.

6. The reasons for my application for transfer are as follows :—

(If the application for transfer is made within 2 years of the date of enrolment, applicant should state the reason why even at the first instance he did not apply for enrolment to the Bar Council to which transfer is sought.)

7. After the transfer of my name to the roll of the Bar Council _____ I intend to practise ordinarily at _____ My permanent address after transfer will be—

8. I undertake to communicate to the State Bar Council to which my name is to be transferred, any change in the said address.

9. Till the transfer is effected all communications may please be sent to the following address :—

I undertake to furnish any further information that may be necessary in reply to any communication that may be sent to the said address till the transfer is ordered.

10. I enclose herewith :

- (i) A certified copy of entry in the State Roll,
(ii) A certificate from the State Bar Council as prescribed in Rule _____

I hereby declare that the facts stated herein are true.

Place :

Date :

Signature of the Advocate
(Applicant)

FORM—D

THE BAR COUNCIL OF INDIA

Order on Transfer Applications.

RESOLVED that the names of the following persons be removed from and entered in the rolls of the State Bar Councils as shown against their names :—

Transfer Application No.	Name as in the State Roll	Date of entry as Vakil, Pleader or Attorney, if any	Date of enrolment under the BC/Advocates Act.	
(1)	(2)	(3)	(4)	
Date of birth	On the roll of	Transfer to the roll of	Permanent address after Transfer	If enrolled in Supreme Court, date of such enrolment
(5)	(6)	(7)	(8)	(9)

FORM D-1

Name transferred to the roll of the Bar Council of—
by Order of the Bar Council of India made under Resolution
No. _____ dated _____
Date _____ SECRETARY, BAR COUNCIL OF _____

FORM D-2

On transfer from the roll of the Bar Council of—
_____with Roll No. _____(Vide BCI Order
dated _____ and communication of State Bar Council
dated _____)
DATE _____ SECRETARY, BAR COUNCIL OF _____

CHAPTER IV

Seniority in the State Rolls

[Rules under Section 17(3), 20 & 49 (1) (ac) of the Act]

1. *Seniority of Vakils, Pleaders and Attorneys not entitled to practise in the High Court.*—The seniority of Vakil, Pleader or Attorney, who was not entitled to practise in the High Court, and who was enrolled as an advocate immediately before the appointed day, or who was enrolled after that day shall be determined according to the date of enrolment as advocate.

2. *Seniority of other Advocates:* (1) The Seniority of other advocates referred to in Section 17(1) (a) shall—

- (a) in the case of persons whose names were entered in the rolls under Section 8(3)(a) of the Indian Bar Councils Act, 1926, be the date from which their seniority was reckoned in the said rolls;
- (b) in the case of persons admitted as advocates under Section 58A of the Act, be the dates of their first admission when they were entitled to practise in the High Court of Allahabad or the Chief Court of Oudh or the other High Courts or the Judicial Commissioners' Court mentioned in sub-sections (2), (3) and (4) of the said Section 58A;
- (c) in the case of persons admitted as advocates under Section 58AA of the Act, be the date when they were first entitled to practise the profession of law under the law enforced in the Union Territory of Pondichery;
- (d) in the case of other persons, be determined in accordance with the date of enrolment under the Indian Bar Councils Act, 1926.

Proviso to (a), (b), (c) and (d).—Provided that in the case of a person whose name had been entered on the rolls of more than one High Court, the date as shown in the High Court in which he was first enrolled shall be taken as the date for entry for purposes of seniority in the rolls under Section 17(1)(a) of the Advocates Act, 1961.

(2) In the case of the persons referred to in Section 58AE of the Act, be the date when they were first entitled to practise the profession of law as provided for in Section 58AE.

(3) In the case of the persons referred to in Section 58AE of the Act, the date on which they are deemed to be advocates.

3. In cases not covered by any of the previous rules in this Chapter, or in case of doubt, the seniority shall on a reference by a State Council, be according to the date as may be determined by the Council.

4. *Seniority of Senior Advocates of the Supreme Court.*—The seniority of a senior advocate enrolled before the appointed day shall be determined in accordance with the date of his enrolment as senior advocate.

PART VI

Rules governing Advocates

CHAPTER I

Restrictions on Senior Advocates

[Rules under Sections 16(3) & 49(1)(g) of the Act]

Senior Advocates shall, in the matter of their practice of the profession of law mentioned in Section 30 of the Act, be subject to the following restrictions:—

(a) A Senior Advocate shall not file a vakalatnama or act in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act.

Explanation: "To Act" means to file an appearance or any pleading or application in any court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act, or to do any act other than pleading required or authorised by law to be done by a party in such Court, or Tribunal, or before any person or other authority mentioned in the said Section either in person or by his recognised agent or by any advocate or an attorney on his behalf.

(b) (i) A Senior Advocate shall not appear without an Advocate on Record in the Supreme Court or without an Advocate in Part II of the State Roll in any Court, or Tribunal, or before any person or other authorities mentioned in Section 30 of the Act.

(ii) Where a Senior Advocate has been engaged prior to the coming into force of the Rules in this Chapter, he shall not continue thereafter unless an advocate in Part II of the State Roll is engaged along with him. Provided that a Senior Advocate may continue to appear without an advocate in Part II of the State Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case, if he was so briefed before he is designated as a Senior Advocate or before coming into operation of the Rules in this Chapter as the case may be.

(c) He shall not accept instructions to draft pleadings or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court, or Tribunal or before any person or other authority mentioned in Section 30 of the Act or undertake conveyancing work of any kind whatsoever. This restriction however shall not extend to settling any such matter as aforesaid in consultation with an advocate in Part II of the State Roll.

(d) He shall not accept directly from a client any brief or instructions to appear in any Court, or Tribunal, or before any person or other authority in India.

(e) A Senior Advocate who had acted as an Advocate (Junior) in a case, shall not after has been designated as a Senior Advocate advise on grounds of appeal in a Court of appeal or in the Supreme Court, except with an advocate as aforesaid.

(f) A Senior Advocate may in recognition of the services rendered by an advocate in part II of the State Roll appearing in any matter pay him a fee which he considers reasonable.

CHAPTER II

Standards of Professional Conduct and Etiquette

[Rules under Section 49(1)(c) of the Act read with the proviso thereto]

PREAMBLE

An Advocate shall, at all times, comport himself in a manner befitting his status as an officer of the Court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client, and in his conduct conform to the

rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

SECTION I—Duty to the Court

3. An Advocate shall not influence the decision of a Court and while otherwise acting before a Court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.

2. An Advocate shall maintain towards the Courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.

3. An Advocate shall not influence the decision of a Court by any illegal or improper means. Private communications with a judge relating to a pending case are forbidden.

4. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the Court, opposing counsel or parties which the advocate himself ought not to do. An advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth piece of the client, and shall exercise his own judgement in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using temperate language during arguments in Court.

5. An Advocate shall appear in Court at all times only in the prescribed dress, and his appearance shall always be presentable.

6. An Advocate shall not practise before a Court, Tribunal, or authority mentioned in Section 30 of the Act, sitting alone or otherwise, if the sole or any member thereof is related to the Advocate as husband, father, grandfather, son, grandson, brother, father-in-law, son-in-law, brother-in-law, uncle, nephew, first cousin wife, mother, daughter, sister, mother-in-law, daughter-in-law, sister-in-law, aunt or niece

7. An Advocate shall not wear bands or gown in public places other than in Courts except on such ceremonial occasions, and at such places as the Bar Council of India or the Court may prescribe.

8. An Advocate shall not appear in or before any Court or Tribunal or any other authority for or against an organisation or an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any Committee or body of persons which for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

Illustration

I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.

II. He should not accept a brief from a company of which he is a director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety, for his client required for the purpose of any legal proceedings.

SECTION II—Duty to the Client

11. An Advocate is bound to accept any brief in the Courts or Tribunals or before any other authority in or before which he professes to practise at a fee consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An Advocate shall not ordinarily withdraw from engagements once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as he has not been earned.

13. An Advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client's interests.

14. An Advocate shall at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosures to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgement in either engaging him or continuing the engagement.

15. It shall be the duty of an Advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.

16. An Advocate appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishing the innocence of the accused shall be scrupulously avoided.

17. An Advocate shall not directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.

18. An Advocate shall not, at any time, be a party to fomenting of litigation.

19. An Advocate shall not act on the instructions of any person other than his client or his authorised agent.

20. An Advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.

21. An Advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable claim. Nothing in this Rule shall apply to stock, shares and debentures or government securities, or to any instruments which are, for the time being, by law or custom negotiable, or to any mercantile document of title to goods.

22. An Advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition, however, does not prevent an Advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.

23. An Advocate shall not adjust fees payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an Advocate.

24. An Advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.

25. An Advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf, the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.

26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses, and during the course of the proceedings, no Advocate shall except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.

27. Where any amount is received or given to him on behalf of his client the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding the Advocate shall be at liberty to appropriate towards the settled fee due to him any sum remaining unexpended out of the amount paid or sent to him for expenses, or any amount that has come into his hands in that proceedings.

29. Where the fee has been left unsettled, the Advocate shall be entitled to deduct, out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the Court in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An Advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An Advocate shall not lend money to his client, for the purpose of any action or legal proceedings in which he is engaged by such client.

Explanation:—An Advocate shall not be held guilty of a breach of this rule, if, in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the Advocate feels compelled by reason of the rule of the Court to make a payment to the Court on account of the client for the progress of the suit or proceeding.

33. An Advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings or acted for a party, shall not act, appear or plead for the opposite party.

SECTION III—Duty to opponent

34. An Advocate shall not in any way communicate or negotiate upon the subject matter of controversy with any party represented by an Advocate except through that Advocate.

35. An Advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the values of the Court.

SECTION IV—Duty to Colleagues

36. An Advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interview not warranted by personal relations, furnishing or inspiring newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned. His signboard or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of work or that he has been a Judge or an Advocate-General.

37. An Advocate shall not permit his professional services or his name to be used in aid of or to make possible, the unauthorised practise of law by any lay agency.

38. An Advocate shall not accept a fee less than the fee taxable under the rules when the client is able to pay the same.

SECTION V—Duty in imparting training

39. An Advocate shall not enter appearance in any case in which there is already an advocate on record except with his consent.

40. It is improper for an Advocate to demand or accept fees or any premium from any person as a consideration for imparting training in law under the rules prescribed by a State Bar Council to enable such person to qualify for enrolment under the Advocates Act, 1961.

SECTION VI—Duty to render Legal Aid

41. Every Advocate shall in the practice of the profession of law bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an Advocate's economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an Advocate owes to society.

SECTION VII—Restrictions on other employments

42. An Advocate shall not personally engage in any business but he may be a sleeping partner in a firm doing business provided that, in the opinion of the appropriate State Bar Council the nature of the business is not inconsistent with the dignity of the profession.

43. An Advocate may be a Director or Chairman of the Board of Directors of a company with or without any ordinary sitting fee, provided none of his duties are of an executive character. An Advocate shall not be a Managing Director or a Secretary of any company.

44. An Advocate shall not be a full-time salaried employee of any person, government, firm, corporation or concern, so long as he continues to practise and shall, on taking up any such employment intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an advocate so long as he continues in such employment.

Nothing in this rule shall apply to a Law Officer of the Central Government or the Government of a State or of any Public Corporation or body constituted by statute who is entitled to be enrolled under the rules of his State Bar Council made under Section 28(2)(d) read with Section 24(1) (e) of the Act despite his being a full-time salaried employee.

45. An Advocate who has inherited, or succeeded by survivorship, to a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.

46. An Advocate may review Parliamentary Bills for a remuneration, edit legal text books at a salary, do 'press-vetting' for newspapers, coach pupils for legal examinations, set and examine question papers; and subject to the rules against advertising and full-time employment, engage in broadcasting, journalism, lecturing and teaching subjects, both legal and non-legal.

47. Nothing in these rules shall prevent an Advocate from accepting, after obtaining the consent of the State Bar Council part-time employment provided that in the opinion of the State Bar Council the nature of the employment does not conflict with his professional work and is not inconsistent with the dignity of the profession. This rule shall be subject to such directives if any as may be issued by the Bar Council of India from time to time.

CHAPTER III

(Conditions for right to practice)

[Rules under Section 49(1)(ah) of the Act]

1. Every Advocate shall be under an obligation to see that his name appears on the roll of the State Council within whose jurisdiction he ordinarily practices.

2. An Advocate shall not enter into a partnership or any other arrangement for sharing remuneration with any person or legal Practitioner who is not an Advocate.

3. Every Advocate shall keep informed the Bar Council on the roll of which his name stands, of every change of his address.

4. The Council or a State Council can call upon an Advocate to furnish the name of the State Council on the roll of which his name is entered, and call for other particulars.

5. (1) Any Advocate who voluntarily suspends practice for any reason whatsoever shall intimate such suspension to the State Council on the roll of which his name is entered.

(2) A similar intimation shall be given by every Advocate on resumption of practice.

6. (1) An Advocate whose name has been removed by order of the Supreme Court or a High Court or the Bar Council as the case may be, shall not be entitled to practise the profession of law either before the Courts and authorities mentioned under Section 30 of the Act, or in chambers, or otherwise.

(2) An Advocate who is under suspension, shall be under same disability during the period of such suspension as an advocate whose name has been removed from the roll.

7. A person who has exercised judicial powers at the time of his retirement or otherwise ceasing to be in service shall not practice for a period of two years from the date of his retirement or ceasing to be in service as the case may be in the area in which he exercised judicial powers at the said date.

PROVIDED that nothing in this Rule shall prevent any such person from practising in any Court of Superior jurisdiction to the one in which he held the office.

*Explanation:—*A Court of Sessions, a District Court or the City Civil Court shall be a Court of Superior jurisdiction in relation to a Magistrate's Court or Small Causes Court, even though no appeal may lie from the latter to the former.

8. No Advocate shall be entitled to practise if in the opinion of the Council he is suffering from such contagious disease as makes his practice of law a hazard to the health of others. This disqualification shall last for such period as the Council directs from time to time.

PART VII

DISCIPLINARY PROCEEDINGS AND REVIEW

CHAPTER I

Complaints against Advocates and Procedure to be followed by Disciplinary Committees of the State Bar Councils and the Bar Council of India

[Rules under Section 49(1) (f) of the Act]

A. *Complaint and Enquiry under Sections 35, 36 and 36B of the Act.*

1. (1) A complaint against an advocate shall be in the form of a petition duly signed and verified as required under the Code of Civil Procedure. If the complaint is not in English, a translation thereof in English shall be filed along with the same.

Every complaint shall be accompanied by the fees as prescribed in the rules framed under Section 49(h) of the Act.

(2) The Secretary of the Bar Council may require the complainant to pay the prescribed fees if not paid, to remove any defects and call for such particulars or copies of the complaint or other documents as may be considered necessary.

(3) On a complaint being found to be in order, it shall be registered and placed before the Bar Council for such order as it may deem fit to pass.

(4) No matter taken up by a State Bar Council *suo moto* or arising on a complaint made under Section 35 of the Act

shall be dropped solely by reason of its having been withdrawn, settled or otherwise compromised, or that the complainant does not want to proceed with the enquiry.

2. Before referring a complaint under Section 35(1) of the Act to one of its Disciplinary Committees to be specified by it, the Bar Council may require a complaint to furnish within a time to be fixed by it, further and better particulars and may also call for the comments from the Advocates complained against.

3. (1) After a complaint has been referred to a Disciplinary Committee by the Bar Council, the Registrar shall expeditiously send a notice to the Advocate concerned requiring him to show cause within a specified date on the complaint made against him and to submit the statement of defence, documents and affidavits in support of such defence, and further informing him that in case of his non-appearance on the date of hearing fixed, the matter shall be heard and determined in his absence.

*Explanation:—*Appearance includes, unless otherwise directed, appearance by an Advocate or through duly authorised representative.

(2) If the Disciplinary Committee requires or permits, a complainant may file a replication within such time as may be fixed by the Committee.

4. The Chairman of the Disciplinary Committee shall fix the date, hour and place of the enquiry which shall not ordinarily be later than thirty days from the receipt of the reference. The Registrar shall give notice of such date, hour and place to the complainant or other person aggrieved, the advocate concerned and the Attorney General or the Additional Solicitor General of India or the Advocate General as the case may be, and shall also serve on them copies of the complaint and such other documents mentioned in Rule 24 of this Chapter as the Chairman of the Committee may direct at least ten days before the date fixed for the enquiry.

5. (1) The notices referred to in this Chapter shall subject to necessary modification be in Form Nos. E-1 and E-2, be sent to the Advocates appearing for the parties. Notice to a party not appearing by advocate shall be sent to the address as furnished in the complaint or in the grounds of appeal.

(2) The notices may be sent ordinarily through messenger or by registered post acknowledgement due, and served on the advocate or the party concerned or his agent or other person as provided for in Order V of the Civil Procedure Code.

(3) Notices may also, if so directed by the Committee, be sent for service through any Civil Court as provided for under Section 42(3) of the Advocates Act.

(4) Where the notice sent to any party cannot be served as aforesaid it may be served by affixing a copy thereof in some conspicuous place in the office of the Bar Council, and also upon some conspicuous part of the house (if any) in which the party concerned is known to have last resided or had his office, or in such other manner as the Committee thinks fit. Such service shall be deemed to be sufficient service.

(5) Payment of bills and/or charges for summons to witnesses etc., shall be in accordance with the rules under Section 49(h) of the Act.

6. (1) The parties can appear in person or by an Advocate who should file a vakalatnama giving the name of the Bar Council in which he is enrolled, his residential address, telephone number if any, and his address for service of notices. A senior Advocate is entitled to appear with another advocate who was filed a Vakalatnama.

(2) The Bar Council or its Disciplinary Committee may at any stage of a proceeding appoint an advocate to appear as *Amicus Curiae*. Such Advocate may be paid such fee as the Council or the Committee may decide.

(3) Excepting when the Committee has otherwise directed, service on the advocate shall be deemed to be sufficient service on the parties concerned, even if copies of the notices are in addition sent to the parties, whether the parties have not been served.

(4) Unless otherwise indicated, where more than one Advocate appears for the same party, it is sufficient to serve the notice on any of them.

7. (1) If in an enquiry on a complaint received, either the complainant or the respondent does not appear before the Disciplinary Committee in spite of service of notice, the Committee may proceed *ex-parte* or direct fresh notice to be served.

(2) Any such order for proceeding *ex-parte* may be set aside on sufficient cause being shown, when an application is made supported by an affidavit, within 60 days of the passing of the *ex-parte* order.

Explanation :—The provisions of Section 5 of the Limitation Act, 1963 shall apply to this sub-rule.

8. (1) The Disciplinary Committee shall hear the Attorney General or the Solicitor General of India or the Advocate General, as the case may be or their advocate, and parties or their advocate, if they desire to be heard, and determine the matter on documents and affidavits unless it is of the opinion that it should be in the interest of justice to permit cross examination of the deponents or to take oral evidence, in which case the procedure for the trial of civil suits, shall as far as possible be followed.

(2) On every document admitted in evidence, the following endorsement shall be made which shall be signed by the Chairman or any member of the Committee :—

The Disciplinary Committee of the Bar Council of.....
Exhibit No. Date of Document

Produced By :

Date Signature of

(3) The Exhibits shall be marked as follows :—

(a) Those of the Complaint as C1, C2, etc.

(b) Those of Respondent as R1, R2, etc.

(c) Those of Disciplinary Committee as D1, D2, etc.

(4) The Disciplinary Committee may at any stage direct the parties of the advocates to furnish such further and better particulars as it considers necessary.

9. (1) Evidence given before the Disciplinary Committee shall be recorded preferably in English by any member of the Committee or any other person authorised by the Committee. The evidence so recorded shall be signed by the Chairman, or if the Chairman is not there when the evidence is recorded, by any member of the Committee.

(2) Whenever the record of a case decided by the State Bar Council or its Disciplinary Committee in which evidence has been recorded in a language other than English is required to be sent to the Bar Council of India or its Disciplinary Committee, a translation thereof in English made by a person nominated by the Committee or Registrar certifying the same to be true copy shall also be sent.

10. (1) Every Disciplinary Committee shall make a record of its day-to-day proceedings.

(2) The Registrar of the Bar Council, shall maintain a case diary setting out shortly in order of date, all relevant information concerning the date of filing, the date for hearing and despatch and service of the notices on the parties or the Advocates or the Attorney General, or the Solicitor General or the Advocate General as the case may be, of statements or petitions filed and/or of the order thereon, and of other proceedings in the matter before the Committee.

11. (1) If in an enquiry pending before the Disciplinary Committee, the complainant dies and there is no representative who is willing to conduct the case on his behalf, the Disciplinary Committee may, having regard to the allegations made in the complaint and the evidence available, make a suitable order either to proceed with the enquiry or to drop it.

(2) (a) In the case of an enquiry against only one advocate, on his death the Disciplinary Committee shall record the fact of such death and drop the proceedings.

(b) Where the enquiry is against more than one advocate, on the death of one of them, the Disciplinary Committee may continue the enquiry against the other advocate unless it decides otherwise.

(3) No Disciplinary enquiry shall be dropped solely by reason of its having been withdrawn, settled or otherwise compromised, or that the complainant does not want to proceed with the inquiry.

12. Unless otherwise permitted, counsel appearing before any of the Disciplinary Committees of the State Bar Council or Bar Council of India shall appear in court dress.

13. The Council may from time to time issue instructions on any of the matters provided for in these rules.

14. (1) The finding of the majority of the members of the Disciplinary Committee shall be the finding of the Committee. The reasons given in support of the finding may be given in the form of a judgement, and in the case of a difference of opinion, any member dissenting shall be entitled to record his dissent giving his own reasons. It shall be competent for the Disciplinary Committee to award such costs as it thinks fit.

(2) The Registrar of the Disciplinary Committee shall send free of charge to each of the parties in the proceedings, a certified copy of the final order or judgement as set out in Rule 36 in this Chapter.

(3) The date of an Order made by the Disciplinary Committee shall be the date on which the said Order is first received in the office of the Bar Council after it has been signed by all the members thereof. For the purpose of limitation the date of the Order shall be the date on which the contents of the Order duly signed as aforesaid are communicated to the parties affected thereby.

15. Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, certified copies of the records of a case pending before the Disciplinary Committee may be granted to the parties or to their counsel on an application made in that behalf and on payment of the prescribed fee.

16. (1) The Secretary of a State Bar Council shall send to the Secretary of the Bar Council of India quarterly statements of the complaints received and the stage of the proceedings before the State Bar Council and Disciplinary Committees in such manner as may be specified from time to time.

(2) The Secretary of the Bar Council of India may however call for such further statements and particulars as he considers necessary.

17. (1) The Secretary of every State Bar Council shall furnish such particulars and send such statements as may be considered necessary by the Secretary of the Bar Council of India for purposes of Section 36B of the Act and send all the records of proceedings that stand transferred under the said section.

(2) The date of receipt of the complaint shall for purposes of Section 36B be the date of Registration of the complaint under these rules.

(3) Whenever the records of proceedings are transferred under Section 36B of the Act to the Council, the requirements in rule 9(2) of this Chapter shall be followed by the Disciplinary Committee of the State Bar Council.

B. Withdrawal of Proceedings under Section 36 of the Act

18. (1) Where a State Bar Council makes a report referred to in Section 36(2) of the Act, the Secretary of the State Bar Council shall send to the Secretary of the Bar Council of India all the records of the proceedings along with the report.

(2) An application by a person interested in the withdrawal of a proceeding referred to in Section 36(2) of the Act, shall be signed by him and it shall set out the necessary facts supported by an affidavit and accompanied by the fee prescribed.

(3) For making an order on an application of a party or otherwise under Section 36(2) of the Act, the Disciplinary Committee of the Bar Council of India may :

(a) call for a Report of the Disciplinary Committee seized of the proceeding;

(b) issue notice to the respondent;

- (c) require the parties to file such statements as it considers necessary;
- (d) call for the records of the proceedings; and
- (e) examine any witnesses.

(4) In the proceedings before the Disciplinary Committee of the Bar Council of India under Section 36, unless otherwise directed, the parties may appear in person or by advocate who shall file a vakalatnama as provided for under Rule 6(1) in this Chapter.

(5) On a consideration of the Report of a State Bar Council or otherwise, the Disciplinary Committee of the Bar Council of India shall pass such orders as it considers proper.

C. Appeal to the Bar Council of India under Section 37 of the Act.

19. (1) An appeal to the Council provided for under Section 37 of the Act shall be in the form of a memorandum in writing as set out in Rule 21 in this Chapter. If the appeal is in a language other than English, it shall be accompanied by a translation thereof in English.

(2) In every appeal filed under Section 37(1) of the Act, all persons who were parties to the original proceedings, shall alone be impleaded as parties.

(3) Save as otherwise directed by the Disciplinary Committee of the Council, in an appeal by the advocate against an order under Section 35, in case of death of the complainant the legal representatives of the complainant shall be made parties.

20. (1) An appeal may be presented by the appellant or his advocate or by his recognised agent in the office of the Bar Council of India, or sent by registered post with acknowledgement due so as to reach the Secretary, Bar Council of India on or before the last day of limitation.

(2) Any appeal may be admitted after the period of limitation if the appellant satisfies the Disciplinary Committee that he had sufficient cause for not preferring the Appeal within such period. Any such application for condonation of delay shall be supported by an affidavit.

21. (1) The memorandum of appeal referred to in Rule 19(1) of this Chapter shall contain the necessary particulars as in the Form No. G. The memorandum of appeal shall state when the order was communicated to the appellant, and how it is in time.

(2) Along with the memorandum of appeal, the appellant shall file :

- (a) either the authenticated or the certified copy of the order appealed against, signed by the Registrar of the Disciplinary Committee, and
- (b) five additional copies of the memorandum of appeal, and of the Order appealed against, if there is only one Respondent; if there is more than one Respondent, such number of additional copies as may be necessary. All copies shall be certified as true copies by the appellant or by his counsel.

(3) Every memorandum of appeal shall be accompanied by the prescribed fees in cash. In case the memo is sent by post, it shall be accompanied by the M.O. Receipt issued by the Post Office.

(4) If the papers filed in an appeal are not in order, the Registrar shall require the appellant to remove such defects within a specified time.

22. (1) Subject to the provisions contained in Rule 29(2) in this Chapter, the Chairman or in his absence, the Vice-Chairman of the Council or such other member authorised in this behalf by the Council shall have the power to allocate matters relating to the Disciplinary Committee, save when any such case has been allotted by the Council to any particular Disciplinary Committee.

(2) Any matter allotted to a particular Disciplinary Committee which has not been heard may be reallocated to a different Disciplinary Committee.

(3) Notwithstanding the provisions of Rule 30 in this Part the Chairman of any Disciplinary Committee shall have powers to issue interim orders on urgent matters which may be placed before him by the Registrar.

23. Subject to any resolution of the Bar Council of India, in this behalf relating to the places of hearing, the Chairman of the Disciplinary Committee concerned shall fix the date, hour and place for the hearing of the appeal.

24. (1) The appellant shall be required to file six typed sets of the following papers properly paged and indexed if there is only one Respondent, and as many more sets as there may be additional respondents, for the use of the Disciplinary Committee and by the other parties, and for the record :—

- (a) the complaint, the statement in defence of the Advocate;
- (b) the evidence oral and documentary and such other papers on which parties intend to rely;
- (c) any other part of the record as may be directed by the Committee.

Where any of the above papers is in a language other than English, English translations thereof shall be filed.

(2) The Respondent shall if he so desires, or if so called upon, file six sets of typed papers of any part of the record on which he intends to rely. He shall also file English translations of such papers as are not in English.

25. The Registrar shall give notices to the parties or their Advocates or their recognised agents informing them of the date, time and place of the hearing of the appeal.

A copy of the memorandum of appeal shall be sent to the Respondent along with the notice of the appeal.

26. (1) No appeal filed under Section 37 of the Act against in order of punishment of an advocate shall be permitted to be withdrawn on account of settlement or compromise or adjustment of the claim against the advocate.

(2) Every appeal filed under Section 37 of the Act by or against an advocate shall abate on the death of the advocate so far as he is concerned.

27. In regard to appearance of a party in appeal, rule 6 of this Chapter will apply.

28. (1) The Registrar shall issue notice to the State Council concerned for the complete records to be sent to the Council.

(2) The Registrar of the State Council concerned shall send alongwith the records a list containing particulars under the following columns, and comply with such other directions as may be issued.

Serial No. of Document	Date of Document	Description of Document	Page
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D. Application for Stay, and other matters

29. (1) An application for stay made under Section 40, sub-section (1) or (2) of the Act shall be accompanied by an affidavit and the fees, if any prescribed by the rules of the Council made under Section 49(h) of the Act. Where the affidavit is not in English, a translation thereof in English shall be filed. The applicant shall file with his application at least 5 copies of the application, and the affidavit and as many additional copies thereof as there are respondents. Where the application is not in English 5 copies with translation thereof in English shall also be filed.

In every application for stay made to the Council, the applicant shall state if any application has been made to the State Council, and the orders thereon.

(2) Before a matter is allowed to a Disciplinary Committee under Rule 22 above, the Registrar may obtain orders on applications for interim stay or other urgent applications from the Chairman of any of the Disciplinary Committees.

The orders passed under this sub-rule shall be communicated to the parties and to the Secretary of the State Bar Council concerned.

30. After allotment of a case under Rule 22 in this Chapter to a Disciplinary Committee, the Registrar may obtain its orders on any matter of an emergent nature arising therein, by circulation.

31. The order of the Disciplinary Committee disposing of an appeal shall be communicated to the parties. The date of an order made by the Disciplinary Committee shall be the date on which the said order is first received in the office of the Council after it has been signed by all the members thereof.

E. Rules applicable to all proceedings before the Disciplinary Committee of the State Bar Councils and the Bar Council of India.

32. The Rules in this Chapter so far as may be, shall apply to all proceedings of the Disciplinary Committee of State Bar Councils or of the Bar Council of India.

Proceedings to be in camera

33. All the proceedings before the Disciplinary Committee shall be held in camera.

Inspection of Records and Copies

34. (1) Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, inspection of any of the records in any proceeding before the Disciplinary Committee may be permitted to the parties or their advocate on presentation of an application duly signed by the applicant or his advocate and on payment of the prescribed fee on any working day except during the summer or other vacations of the Supreme Court.

(2) An application for inspection shall be made to the Registrar of the Disciplinary Committee. The Registrar of the Disciplinary Committee may permit the inspection in his presence or in the presence of any member of the staff authorised by him.

The person inspecting shall not be entitled to make copies of the record of which inspection is granted. He shall, however, be permitted to make short notes in pencil.

(3) Save as otherwise directed by the Disciplinary Committee or the Chairman thereof, certified copies of the records of a case pending before the Disciplinary Committee may be granted to the parties or to their counsel on an application made in that behalf and on payment of the prescribed fee.

(4) A copy of a final judgement in a decided case may be given to any person applying for the same on payment of the prescribed fee therefor, provided however that the name of the advocate against whom the proceedings were taken shall be omitted.

Order awarding Costs: Decretal Order

35. (1) All orders where costs are awarded in Disciplinary proceedings shall specify the amount of costs awarded and also state the party against whom the order is made, and the time within which the amount is payable.

(2) As soon as possible after the order is made by the Disciplinary Committee, in respect of every order where costs are awarded to any of the parties, a decretal order shall be drawn up as in Form J-1/J-2 at the end of this Chapter signed by the Secretary in the State Bar Council or the Council as the case may be, as Registrar of the Disciplinary Committee and bearing the seal of the State Bar Council or the Council as the case may be.

(3) The Decretal Order aforesaid shall be furnished to any party to the proceeding on application made therefor, and on payment of the charges prescribed under the rules.

Copies of Final Orders

36. The Secretary of the State Bar Council or the Bar Council of India as the case may be, shall send to each of the parties in the proceedings, a certified copy of the final order made under Section 35, 36, 36B or 37, signed by him as Registrar of the Disciplinary Committee and bearing the seal of the State Bar Council/Bar Council of India as the

case may be. No charges shall be payable on the copies so sent. Charges as prescribed under the rules shall however to be payable for all additional copies of the said order applied for.

FORM E-1

[Under Rule 5 in Chapter I, Part VII]

Notice of hearing of Complaint under Section 35/36 of the Advocates Act, 1961 and Rule 5, Chapter I, Part VII of the Rules of the Bar Council of India.

BEFORE THE DISCIPLINARY COMMITTEE OF THE
BAR COUNCIL OF

D. C. ENQUIRY NO. 19..

..... Complaint
(With Address) Vs.

..... Respondent/s
(With Address)

WHEREAS a complaint dated against respondent/s, a copy of which is sent herewith has been referred for disposal to the above Committee of the Bar Council under Section 35/36 of the Advocates Act, 1961 and the Disciplinary Committee has fixed (time) on (date) for hearing of the case at (place) in accordance with the procedure prescribed under the relevant rules of the Council.

The Respondent shall submit his statement of defence together with any documents or affidavits in support of his defence within days from the date of this notice. The respondent shall send one copy of his statement of defence to the complainant and one copy to the Advocate-General direct under registered A.D. cover. The Complainant shall be entitled to file a reply to the statement of defence together with such documents on which he proposes to rely in support thereof within days.

The parties above-named are required to appear in person or through advocate before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned. It shall be open to the parties to examine the witnesses that may be permitted before the Disciplinary Committee.

If, on any date of hearing any party is absent, the hearing will proceed *ex-parte* against him.

..... is required to file copies of to the Registrar, Disciplinary Committee, Bar Council of on or before

Dated this the day of the month 19.....

By Order

Registrar,
Disciplinary Committee,
Bar Council of

FORM E-2

THE DISCIPLINARY COMMITTEE OF THE BAR
COUNCIL OF INDIA

*Notice of hearing under Rule 5 in Chapter I Part VII
of the Rules of the Bar Council of India*
(Subject to necessary modifications)

DCL/D/ /19

Dated:

IN THE MATTER OF:

No. / on the file of the Disciplinary Committee of the Bar Council of
(B.C.I. Tr. Case No. /19)

..... Complainant(s)
Vs.
..... Respondent(s)

Notice under Section 36B read with Section 35 and 36(2) of the Advocates Act and the Rules made thereunder.

WHEREAS the proceedings between the parties above referred to before the Disciplinary Committee of the Bar Council of India under Section 36B of the Advocates Act, 1961 and the records in the same have been received by the Bar Council of India for disposal by the Disciplinary Committee of the Bar Council of India as provided for in the said Section 36B read with Section 36A and the other provisions of the Act and the Rules of the Bar Council of India in this behalf.

The parties in the above proceedings will take notice that the hearing in the same has been fixed—

At (place)

For (dates and time)

The Disciplinary Committee will continue the proceedings from the stage at which it was so left by the Disciplinary Committee of the Bar Council of India and will hear arguments on the evidence, oral and documentary already on record.

The parties are required to be ready with all their evidence, oral and documentary and for arguments.

The parties above named are required to appear in person or through advocate or through duly authorised agent before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned.

In view of the pendency of these proceedings for a long time and its automatic transfer to the Bar Council of India under Section 36B of the Advocates Act, the hearing will be peremptory, and no adjournment may be granted.

If the parties fail to appear in person or by Advocate or to comply with the other requirements of this notice, the Committee will proceed *ex-parte* or make such other orders as it may deem fit.

The parties engaging any counsel may send their Vakalatnama duly signed by the counsel giving the address of the Advocate for the purpose of future communication.

Please note that notice of the hearing sent to the Advocate will be sufficient notice to the party even if a copy of the notice is sent to any of the parties.

Registrar,
Disciplinary Committee of the
Bar Council of India.

Copy to—
The Attorney General of India,
New Delhi.

FORM F

[Under Rule 4 in Chapter I, Part VII]
(Subject to necessary modifications)

From :

The Secretary,
Bar Council of India

To

The Attorney General/Advocate General/
Additional Solicitor General of India.

Notice under Section 35(2)/36(3) of the Advocates Act, 1961.
Sir,

Please find enclosed copy of a notice dated issued under Section 35(2)/36(3) of the Advocates Act, 1961 for the hearing of a case before the Disciplinary Committee of the Bar Council of

Registrar,
Disciplinary Committee,
Bar Council of India.

Date :
Place :

FORM G

Memorandum of Appeal

[Under Rule 21 in Chapter I, Part VII of the Rules of the Bar Council of India]

(Subject to necessary modifications)

BEFORE THE DISCIPLINARY COMMITTEE OF THE
BAR COUNCIL OF INDIA

UNDER SECTION 37 OF THE ADVOCATES ACT, 1961.

D.C. APPEAL NO. /19

..... Appellant

Versus

..... Respondent

1. (a) Appellant son of
Age (residing at)
(to be filled in)

(To be filled up if the Vakalatnama is filed by the Advocate)

The Appellant appears by Advocate Shri
Roll No. enrolled in the Bar Council of
The Address for the service of Appellant is

that of his advocate

(b) Respondent(s) (1)
S/o
residing at

2. The appellant files this appeal against the Order dated in case No. of the Disciplinary Committee of the Bar Council of

3. The Complaint against the advocate, who is the Appellant/Respondent in this appeal was filed on in the Bar Council of

The Bar Council referred the Complaint for enquiry to its Disciplinary Committee on The Disciplinary Committee of the Bar Council to which the matter was referred has dismissed the complaint/made an Order for punishment against the advocate, reprimanding him/suspending him/removing his name.

4. The Committee has passed no Order for costs/also passed an Order for costs of Rs. payable by to

5. The Order of the Disciplinary Committee will come into operation w.e.f.

6. The appellant has made no application to the Disciplinary Committee of the State Bar Council of/The appellant has made an application before the Disciplinary Committee of the State Bar Council of on which has made an Order for stay upto/which has dismissed the application for stay.

7. 6 copies of the Order of the Disciplinary Committee of the State Bar Council on the Stay Application are filed with this appeal.

The order of the Disciplinary Committee of the Bar Council of was received/communicated to the appellant on

The appeal is in time/

The appeal is filed after the period of limitation and an application for condonation of delay supported by an affidavit is filed herewith.

The appellant has paid Rs. 50/- fee for the appeal on in cash/is paying Rs. 50/-

The appellant files this appeal for the following amongst other grounds :—

1. 2. 3. etc.

Place Appellant/Advocate for

Date Appellant.

Enclosures :—

1. Certified copy of the Order complained against with 5 extra copies.
2. Memo of grounds of appeal with 5 extra copies.
3. Application, if any, for stay with 5 extra copies.
4. Affidavit in support of application for stay with 5 extra copies.

FORM H

[Under Rule 25 in Chapter I, Part VII]

(Subject to necessary modifications)

BEFORE THE DISCIPLINARY COMMITTEE (—

—) OF THE BAR COUNCIL OF INDIA.

D.C. Appeal/19

Against

Order of the Disciplinary Committee of Bar Council of
..... dated in Case/Complaint No.
..... In the matter of Shri Advocate.
..... Appellant

Versus

Respondent

Notice of Appeal filed under Section 37 of the Advocates Act,
1961 and intimation of the date of hearing

WHEREAS an appeal has been filed by the appellant above named against the Order of the Disciplinary Committee of the State Bar Council of in Case/Complaint No dated

The parties to the appeal will please take notice that the hearing of the above appeal before the said Committee has been fixed for the at at (place)

If any of the parties to the appeal fail to appear in person or through advocate on the date of the hearing or any date to which it may be adjourned, the matter will be proceeded with *ex-parte*.

Please also take notice that stay of the operation of the Order filed against has been granted by Order of the Disciplinary Committee dated

New Delhi Registrar
Disciplinary Committee
Bar Council of India.

NOTE : One copy of the grounds of appeal is sent to each of the respondents.

FORM I

[Under Rule 29, Chapter I, Part VII]

(Subject to necessary modifications)

DISCIPLINARY COMMITTEE (—) OF THE
BAR COUNCIL OF INDIA

..... (Chairman)

.....
.....

Miscellaneous Petition No. (Stay)

IN

D.C. APPEAL NO.

..... Appellant
Vs. Respondent

DATED THE

Petition for stay and suspension of the operation of Order of the Disciplinary Committee of the Bar Council of in Case/Complaint No. dated suspending the petitioner from practice under Section 35(3) of the Advocates Act, 1961 for

a period of/..... pending the disposal of the appeal filed against the said Order.

ORDER

The operation of the Order of the Disciplinary Committee of the Bar Council of dated in Case/Complaint No. is stayed.

By Order

Registrar
Disciplinary Committee of
the Bar Council of India.

FORM J-1

[Under Rule 35(2) in Chapter I, Part VII]

BEFORE THE DISCIPLINARY COMMITTEE OF THE
BAR COUNCIL OF

ORIGINAL JURISDICTION (To be added in matter before the Bar Council of India.)

Complaint/Case No. 19

(On a complaint made by Shri (address)

..... Complainant(s)

(Name & address)

Vs.

..... Respondent(s)

(Name & address)

.....19

(Date)

Present :—

Shri (Chairman)

Shri (Member)

Shri (Member)

For the Complainant: Shri Advocate (in person)

For the Respondent: Shri Advocate (in person)

The Case above mentioned being called on for hearing before the Disciplinary Committee of the Bar Council of on the day of 19 UPON hearing Advocate for the Complainant/the Complainant in person AND Advocate for the Respondent (Respondent in person)/Respondent not appearing either in person or through Counsel though served; the Disciplinary Committee of the Bar Council of determining (state the gist of the punishment) DOTH ORTHER :

That the Complaint/Case be and the same is hereby dismissed/allowed.

That there shall be no order as to costs;

That the Complainant/Respondent DO pay to the Respondent/Complainant herein the sum of Rs. /- (Rupees (in words) being the costs incurred in the Bar Council of within months from the date of this Order;

That this Order be punctually observed and carried into execution by all concerned;

WITNESS Shri Chairman of the
Disciplinary Committee of the Bar Council of at
..... this the day of 19

Registrar
Disciplinary Committee of the
Bar Council of

FORM I-2

[Under Rule 35(2) in Chapter I, Part VII]

THE DISCIPLINARY COMMITTEE OF THE BAR COUNCIL OF INDIA.

D.C. Appeal No. of 19

(On appeal from the Order dated the day of 19.....
of the Bar Council of in Case No. of 19.....)

Appellant(s)

(Name and address)

Vs.

Respondent(s)

(Name and address)

.....19
(date)

Present :

Shri (Chairman)

Shri (Member)

Shri (Member)

for the Appellant : Shri advocate/(in person)

for the Respondent : Shri advocate/(in person)

The Appeal above mentioned being called on for hearing before the Disciplinary Committee of the Bar Council of India on the day of 19, UPON hearing Advocate for the appellant (the appellant in person) AND Counsel for the Respondent (the Respondent in person)/ Respondent not appearing either in person or through Advocate though served. The Disciplinary Committee of the Bar Council of India DOTH ORDER.

That the original order dated is hereby confirmed/set aside/modified as under :—

That the Appeal be and the same is hereby dismissed/allowed;

That there shall be no order as to costs;

That the Appellant/Respondent DO pay to the Respondent/Appellant herein the sum of Rs. /- (in words) being the costs incurred in the Bar Council of India as well as the sum of Rs. /- (in words) being the costs incurred in the Bar Council of within months from the date of this Order.

That this Order be punctually observed and carried into execution by all concerned.

WITNESS Shri Chairman of the Disciplinary Committee of the Bar Council of India at (Place) this the day of 19

Registrar,
Disciplinary Committee of the
Bar Council of India.

CHAPTER II

Review under Section 44 of the Act.

1. An application for Review under Section 44 of the Act shall be in the form of a petition duly signed and supported by an affidavit accompanied by the prescribed fee and filed within 15 days from the date of the Order sought to be reviewed.

2. Every such application shall be accompanied by :

(a) a certified copy of the Order complained of,

(b) five additional copies of the application, affidavit and the order, and

(c) if there are more respondents than one, as many additional true copies as may be necessary.

3. Every such application shall set out the grounds on which the Review is sought and shall further state whether any proceeding in respect thereof was filed and is still pending or the result thereof as the case may be.

4. If a Disciplinary Committee of a Bar Council does not summarily reject the application under Section 44 of the Act, or wishes to exercise its powers under Section 44 *suo moto*, the Secretary of a Bar Council shall issue as nearly as may be in the Form K at the end of this Chapter, notice to the parties and to the Advocate-General concerned or the Additional Solicitor-General of India in the case of the Bar Council of Delhi.

5. (1) If after the hearing referred to in Rule 4, the Disciplinary Committee of a State Bar Council does not dismiss the application, and decides that the application for review should be allowed, the copy of the Order along with the relevant record shall be sent to the Bar Council of India for approval.

(2) If the Bar Council of India approves the Order of the State Bar Council the Disciplinary Committee of the State Bar Council shall communicate the Order to the parties, if the Bar Council of India does not approve it, the Disciplinary Committee of the State Bar Council shall make its order dismissing the application and inform the parties.

6. The decision of the Disciplinary Committee of the Bar Council of India on an application for Review of its Order shall be communicated to the parties.

7. In the proceedings under this Chapter, unless the Disciplinary Committee of the State Bar Council or the Bar Council of India, as the case may be, otherwise decides, the parties may appear by Advocate who shall file a vakalatname signed by the party.

FORM K

Notice under Section 44 of the Advocates Act, read with Rule 4 in Chapter II, Part VII of the Rules of the Bar Council of India.

(Subject to necessary modifications)

THE BAR COUNCIL OF INDIA

REVIEW APPLICATION NO. /19.....
..... Petitioner
..... Respondent/s

WHEREAS on the application of /
suo moto/the Disciplinary Committee of the Bar Council of having considered that there are prima facie grounds for Review of the Order made in Case No. 19....., on

The Respondent is informed that the said application will be heard by the Disciplinary Committee of the Bar Council of on 19..... at (time) at (place) and that if the Respondent does not appear in person or through his advocate on the said date or on such other date to which the hearing may be adjourned, the matter will be heard and disposed of in his absence.

Dated this day of 19
Office of the Bar
Council of

Registrar.

Disciplinary Committee of the
Bar Council of India.

PART VIII

FEES LEVIABLE UNDER THE ACT

[Rules under Section 49(h) of the Act]

1. A State Council may levy fees, not exceeding the limits prescribed hereunder in any of the following matters;

(a) Petition challenging the election of one or all the members of the State Council.....Rs. 250/-

(b) Complaint of professional misconduct under Section 35 of the Act.....Rs. 25/-

Provided that no fee shall be payable on a complaint made by any court or tribunal or other statutory body or where in a proper case the Bar Council grants exemption therefor.

(c) Inspection by the complainant or the concerned continuance of the name of the Advocate on the roll.....Rs. 5/-

(d) Certificates required to be produced with the transfer application under Section 18 of the Act.....Rs. 10/-

(e) Inspection by the complainant or the concerned advocates, of documents relating to Disciplinary matters.Rs. 1/-

(f) Inspection of the roll of advocates or the voters list.....Rs. 2/-

- (g) Any application made in any proceedings before a State Council or its Committee other than the Disciplinary Committee.Rs. 3/-

2. A fee as specified hereunder shall be paid in the following matters :—

- (a) Complaint of professional misconduct preferred under Section 36 of the Act.Rs. 25/-
Provided that no fee shall be payable on a complaint or appeal made by any court or tribunal or other statutory or where in a proper case the Council grants exemption therefor.
- (b) An appeal filed under Section 37 of the Act Rs. 50/-
- (c) An application for stay made to the Council under the Act.Rs. 10/-
- (d) (i) An application for inspectionRs. 2/-
(ii) Inspection in cases finally decided when permitted.Rs. 5/-
- (e) An application for withdrawal under Section 36 of the ActRs. 25/-
- (f) An application for Review under the Act ..Rs. 25/-
- (g) An application for the exercise of its powers under Section 48A of the ActRs. 10/-
- (h) Any application made in any proceedings before the Council or a Committee other than the Disciplinary Committee.Rs. 3/-

3. (a) Every application for an authenticated copy of any certificate, order or other proceeding, entry on any roll, or any document or deposition in any proceeding, before a State Council or the Council or a Committee thereof shall be accompanied by a fee of Re. 1/- and the copying charges as follows :—

Every exemplification of the order or other documents in addition to the folio and other charges ..Rs. 2/-

Copying charges for a folio.Re. 1/-

A Folio shall be deemed to consist of two hundred words; seven figures shall be counted as one word; and more than half a folio shall be reckoned as a folio.

(b) In any proceedings, summons to witnesses shall only be issued on payment of the requisite batta and/or charges according to the rates prescribed by the High Court, in the case of a State Council, and the Supreme Court in the case of the Council, or a Committee thereof as the case may be.

(c) Every interlocutory application, including a petition for excusing delay or for obtaining stay of proceedings of a Disciplinary Committee, shall be accompanied by a fee of Rs. 2/- in the case of the Disciplinary Committee of a State Council, and a fee of Rs. 5/- in the case of the Disciplinary Committee of the Council.

(d) An application by a party to the proceedings for unattested copies of depositions of witnesses may be supplied at the rate of 50 paise for each page of the deposition.

PART IX

GENERAL PRINCIPLES TO BE FOLLOWED BY STATE BAR COUNCILS AND THE BAR COUNCIL OF INDIA AND RULES FOR SUPERVISION AND CONTROL BY THE BAR COUNCIL OF INDIA

[Rules under Section 49(1)(a), (i) and (j) of the Act.]

ELECTION

1. The election of members to State Councils shall only be by secret ballot. There shall be no voting by post except that a State Council may permit voting by post to advocates eligible to vote and who do not ordinarily practise at the seat of the High Court or the seat of the District Courts in the State.

EXPLANATION: An Advocate shall be deemed ordinarily to practise at the place which is given in his address in the Electoral Roll.

2. Any candidate who by himself or through his agent seems or attempts to secure from any voter his ballot paper with intent to prevent him from transmitting it directly or

with intent to secure that the vote has been cast for a particular candidate shall be guilty of an election malpractice which shall entitle his election whether or not the result of the election has been materially affected thereby.

3. The notice of election of members of the State Councils and the results of the elections shall be published in the State Government Gazette or Gazettes as the case may be.

4. A State Council may require a deposit from every candidate standing at an election, which may be forfeited in case the candidate is unable to secure at least 1/8 of the quota fixed for the election.

5. All election disputes shall be decided by tribunals constituted by the State Councils.

FUNDS OF STATE COUNCILS

6. The funds of State Councils must first be deposited in the State Bank of India or any Nationalised Bank before any money could be expended, and disbursement shall ordinarily be made by cheques, unless the amount involved is small.

7. The funds shall be invested in government or other securities specified in Section 20 of the Indian Trusts Act.

8. Every State Council shall maintain a provident fund for its employees and also pay gratuity in accordance with rules which each Council may frame.

9. The State Councils may accept donations in cash or kind for any of the purposes of the Act.

10. The accounts of every State Council shall be audited by a Chartered Accountant once a year.

BOOKS AND REGISTERS

11. The State Bar Councils and the Bar Council of India shall maintain the following books :—

- (a) Minutes book;
- (b) Attendance Register for the staff;
- (c) Leave Register for the staff;
- (d) Acquittance Register;
- (e) Day Book and Ledger;
- (f) Receipt Books;
- (g) Financial Assistance Register;
- (h) Provident Fund Account; and
- (i) Property Register.

THE BAR COUNCIL OF COPY APPLICATION REGISTER

12. Every State Bar Council shall maintain :—

- (a) A Copy Application Register containing as far as possible the following entries :—
 1. Serial No.
 2. D.C. Enquiry No./D.C. Appeal No.
 3. Name of Advocate/party (Making the Application).
 4. No. of Folio.
 5. Charges payable
 6. Date of Receipt of Copy Application
 7. Date of notifying charges payable
 8. Date of payment.
 9. Date when copy ready.
 10. Date of delivery.
 11. Signature for receipt.
 12. Remarks.

To every certified copy applied for and furnished shall ordinarily be affixed a Rubber Stamp containing *inter alia* the following columns :—

THE BAR COUNCIL OF... ..

C.A. No.

1. No. of D.C. Proceedings.
2. Date of communication of Order.
3. Date of receipt of copy application.
4. Date when charges are called for.
5. Date when charges are paid.
6. Date when copy despatched or delivered.
7. Charges paid for the copy.

Date

Signature of Secretary
or other person authorised.

(b) "Bar Council Complaint Register", containing the following columns :—

1	2	3	4	5	6	7	8	9
S. No.	Date of receipt of complaint	Name of complainant or other person and address	Name of advocate against whom the complaint is made his Roll No. and address	Date on which Bar Council considered	If rejected prima facie, or referred to its Dis. Committee, and date of Resolution	Reference to date of Disciplinary Committee Register and further particulars	If suo moto, necessary particulars	Any other particulars/Remarks

(c) Disciplinary Committee Register containing the following columns :—

1	2	3	4	5	6	7	8	9
S. No.	Number of Case	Complainant's Address	Name of the advocate about whom complaint is made and his address and Roll No.	Date of reference by Bar Council	Names of Members of Disciplinary Committee	If summarily rejected, date	If not summarily rejected, dates of Enquiry	Gist of Final Order under Section 35(1) and date.

Contd.—

10	11	12	13	14	15	16	17	18
Date on which Order was sent to the parties	Date of receipt of Order communicated to parties	If appeal filed number of the appeal and particulars	Date of receipt of notice for despatch of records	Date of despatch of records to Bar Council of India.	Result of Appeal etc.	Date of receipt of Record: received back from the Bar Council of India	Date of return of documents to parties	Remarks and other particulars.

13. The Bar Council of India shall maintain the following registers :—

1. Copy Application Register, containing entries as nearly as possible as in the case of the copy application register of State Bar Councils with necessary modifications.
2. The Bar Council of India Complaint Register, containing entries on matters required with reference to registers of the State Bar Councils.
3. The Disciplinary Committee Register-A, containing similar entries with necessary modifications as is necessary for State Bar Councils.
4. The Disciplinary Committee Appeal Registers containing the following columns :—

(1)	(2)	(3)	(4)	(5)	(6)
S. No.	Date of Receipt of papers	Name of Appellant	Name of Respondent.	Name of Advocate against whom enquiry is made and Roll Number.	Appeal from Bar Council of

Contd.—

(7)	(8)	(9)	(10)	(11)
Date of which papers were found in order	Name of Members of Disciplinary Committee	Dates of hearing.	Date of receipt of records of the Disciplinary Committee appealed against	Date of final Order

Contd.—

(12)	(13)	(14)	(15)
Date of Despatch of Order to parties	Date of receipt of Order communicated	Particulars as to Appeal to Supreme Court if any	Result of Appeal to Supreme Court

Contd.—

(16)	(17)	(18)
Review application if any with particulars	Date of despatch of records received from the Bar Council	Other particulars and remarks

SCRUTINY OF RECORDS OF STATE COUNCILS

14. (i) The Chairman, (ii) The Vice-Chairman, (iii) any member of the Council or the Secretary of the Council duly authorised by a resolution, shall be entitled at any time to look into any of the records or other papers of any State Council.

ENROLMENT

15. (1) In addition to the enrolment fee laid down in Section 24 of the Advocates Act, persons desirous of being enrolled as advocates shall also be liable to pay to the State Councils, Stamp Duty payable by them under the Indian Stamp Act and such Bar Councils shall be entitled to recover the same before making the entry of their names in the rolls.

(2) Every candidate seeking enrolment as an Advocate shall be required to affirm and subscribe to the following declarations:

- (a) 'I shall uphold the Constitution and the Laws';
- (b) 'I shall faithfully discharge every obligation cast on me by the Act and the Rules framed thereunder'.

Electoral Roll and elections:—

16. (1) Every State Council shall hold its elections well in time before the expiry of the terms of its members and take all steps necessary in respect thereof.

(2) The Secretary of every State Council shall take steps in time to prepare and publish the electoral rolls for the purpose of the elections.

SUPERVISION AND CONTROL

17. The State Councils shall, when so required, make such periodical returns or statements or furnish such information as may be prescribed or called for by the Council.

18. The Secretary of every State council shall *inter alia* send to the Secretary of the Council:

- (a) a copy of the notice of every election of members to the State Council a copy of the list of members elected, intimation of the election disputes, if any referred to any tribunal or Committee and the result thereof;
- (b) the names of the *ex-officio* member of the State Council;
- (c) the name of members of the State Council co-opted for any vacancy.
- (d) the names of members elected as Chairman, and Vice-Chairman of the State Council from time to time;
- (e) the name of the Secretary of the State Council and his residential address;
- (f) address of the State Council and intimations as to its hours of work and holidays;
- (g) the name and address of the member elected to the Council and the date of election;
- (h) before the 31st day of December each year a statement as to the number of Disciplinary matters taken on file, number of cases disposed of and number of cases pending.

19. The Secretary of each State Council shall keep the Bar Council of India informed of all proceedings in any Court or tribunal instituted by or against the Bar Council and shall wherever necessary send copies of such proceedings.

20. Every State Council shall arrange for the audit of its accounts in time in accordance with its rules, and send forthwith after audit, the copy of the audited account together with a copy of the report of the auditors thereon to the Council.

21. Every State Council shall pay to the Council the sum payable to it within the time provided for under Section 46 of the Act. Such payment shall be made by—

- (a) sending a draft for the amount payable; or
- (b) giving suitable directions to its bankers to transfer the amount payable to the credit of the Council.

22. (a) The State Council shall give due publicity to their rules.

(b) The State Councils shall furnish information of the names of persons (with their roll numbers and other necessary particulars) removed from its rolls or suspended under Chapter V of the Act, or who voluntarily suspend practice, and of those who resume practice, to all the Bar Associations, and the High Courts and the Subordinate Courts in the State.

23. (a) The names of advocates shall be entered in the rolls without suffixes, prefixes, titles or degrees.

In the case of person who has taken a degree in Law from any University, the name shall be the same as entered in the degree or other certificate granted by the University; in the case of a Barrister, as in the certificate of call to the Bar;

In the case of a Vakil, Pleader or Attorney or Mukhtar, as it is in the certificate of entry as such Vakil, Pleader, Attorney or Mukhtar and

In the case of any person previously enrolled as an Advocate, whether he holds a degree in law or not, as in the certificate of such admission.

In the case of any person not falling under any of the above categories, the name shall be such as the State Council or the Enrolment Committee may determine.

(b) The name as entered in the roll of the State Council shall not be altered in any respect except when

(i) on an application for that purpose, the State Council accords its permission.

(ii) a notice thereof is thereafter affixed on the notice board, of the State Council and published in the local gazette in one issue or in a local English newspaper as the State Council may specify; and

(iii) the applicant defrays all the necessary costs thereof.

(c) Every State Council shall forthwith communicate to the Council, the change if any in the name of any advocate on its rolls.

24. (a) When the name of an advocate is removed from the rolls, or an advocate is suspended from practice or otherwise punished under an order of any Disciplinary Committee or an order of the Supreme Court under Section 38, or when an intimation of voluntary suspension from practice is received from the advocate, the State Council in respect of a person in its roll and the Council in respect of a person whose name is not in any State Roll, shall furnish information thereof, giving the name of the advocate, his roll number and date of enrolment, his address, nature of the punishment inflicted—

(i) to the Registrar of the High Court of the State;

(ii) to the Registrar of the Supreme Court of India;

(iii) to the Bar Association in the High Court;

(iv) to the District Court of the State, and

(v) to such other authorities as the State Council or the Council may direct.

(b) The State Bar Councils and the Bar Council of India shall also cause to be published in the State Gazettes or the Gazette of the Government of India as the case may be, information relating to the removal from the roll or the suspension of an advocate for misconduct.

A. N. VEERARAGHAVAN

Secretary
Bar Council of India

New Delhi,
16th June, 1975.